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Twentieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1635 (2005) of 28 October 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 September 2006, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments since my previous report to the Council, dated 26 September 2005 (S/2005/603).

II. Political developments

2. During the reporting period, the electoral process gained further momentum with significant progress in the registration of voters and the successful conduct of the constitutional referendum on 18 and 19 December. On the political front, on 18 November, the President appointed nine new ministers and six vice-ministers who had been nominated by the components, thus maintaining the balance established under the agreed power-sharing arrangement. Among those cabinet members whose performance had been criticized during debates in the National Assembly in October and November, only the Finance Minister was changed.

3. Changes were also made in several provincial administrations. On 10 November, President Kabila appointed a representative of the political opposition as Governor of South Kivu to replace the incumbent who was suspended on 25 April amid accusations of poor management and misuse of public funds. In mid-November, the Minister of Higher Education was appointed as Governor of Province Orientale, and a representative of the Parti du peuple pour la reconstruction et la démocratie (PPRD) was appointed Governor of Kinshasa, replacing the incumbent, who had been accused of mismanagement and human rights violations, including summary arrests of street children. On 10 December, following a request from Vice-President Bemba, President Kabila made changes among some of the appointees from the Mouvement pour la libération du Congo in the provincial administrations.

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4. In accordance with the Transitional Constitution, which stipulates that members of the National Assembly cannot also serve on the boards of public enterprises, the Assembly in October requested its members who held both positions to indicate within 48 hours which post they would continue to hold. Consequently, 24 deputies resigned from the Assembly while 18 decided to relinquish their board memberships. The Senate took a similar decision, without setting a deadline for senators to comply.

5. The anti-corruption operation "Clean Hands" launched by the Presidency in October resulted in the arrest of four high-ranking Government officials on charges of embezzlement. On 11 November, a group of experts from the General Auditing Office, the General Inspection of Finances and the Office of the Presidency issued a report on the mismanagement of tax revenues, indicating that more than $30 million had been illegally diverted from the Treasury between 2001 and 2005.

6. In accordance with Security Council resolution 1635 (2005), the International Committee in Support of the Transition continued to discuss with the transitional authorities the need to address issues of corruption and economic mismanagement. As a first step, at a meeting between the Committee and the *espace présidentiel* on 21 October, it was agreed that, as proposed by President Kabila, such issues would be addressed at biweekly joint meetings. The teachers' strike from 7 September to 17 October and the payment of salaries to State employees were also discussed. The *espace présidentiel* reported that the threat of social unrest had compelled the Government to accede in principle to the demands for increased salaries for public school teachers. However, increased budgetary revenues would be needed in 2006 for that purpose and the Government had called on the international community to provide additional financial support on more flexible terms. The Committee warned that unrealistic promises could have a negative impact on the macroeconomic situation in the Democratic Republic of the Congo and called instead for a sharp reduction in public spending through better management of revenues, including a major cut in the travel and representation expenditures of the transitional institutions.

7. The Security Council mission that visited Central Africa in November met with President Kabila, the four Vice-Presidents, the Presidents of the National Assembly and the Senate, the bureau of the Independent Electoral Commission, the Chairman of the Media High Authority, the Joint Commission on Security Sector Reform and members of civil society. An impromptu meeting was also held with Etienne Tshisekedi, President of the Union pour la démocratie et le progrès social (UDPS), the main opposition party outside the transitional institutions. The Security Council delegation expressed concern about delays in the transitional process, especially in the area of security sector reform, and urged the Transitional Government to speed up integration of the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Congolese national police. Regarding the electoral process, the Security Council mission sent a clear message to all political actors that the elections should be held by 30 June 2006, as prescribed by the Global and All-Inclusive Agreement. The Security Council mission also visited Uganda and Rwanda. During meetings with Presidents Museveni and Kagame, the mission stressed the need for regional support for the transition process in the Democratic Republic of the Congo and for cooperation regarding regional security and the implementation of measures contained in Security Council resolution 1596 (2005).

Legislative agenda

8. Two key legislative items related to elections — the electoral law and the organization of the Conseil Supérieur de la Magistrature — remain on the Parliament's agenda. On 7 November, President Kabila submitted to the National Assembly the draft electoral law, which had been adopted by the Council of Ministers on 25 October. According to the draft, elections to the national and provincial assemblies would be conducted under a proportional representation system, with a closed list of candidates. With regard to the size of the electoral districts — a key factor in determining how the proportional system would operate in practice, and to what extent it would be inclusive — the draft law envisages the establishment of 186 districts based on the existing administrative units, namely, territoires, villes and, for Kinshasa, communes.

9. Major differences persist among the Assembly members on some of the essential provisions of the draft, including the options of using open and closed lists. To help bridge these differences and expedite the adoption of the draft, a joint commission comprising members of the National Assembly and the Senate considered the text. The commission has recommended an amended draft that provides essentially for a combination of three different electoral systems, depending on the number of seats in each constituency.

10. After a long political stalemate, the National Assembly on 29 November adopted the amnesty law along the lines envisaged in the Global and All-Inclusive Agreement, despite a walkout by PPRD and Mayi-Mayi deputies. The law grants amnesty for all political offences, including attempts against the life of the Head of State.

Regional relations

11. The establishment of sustainable mechanisms of regional cooperation remains a prerequisite for stability in the Democratic Republic of the Congo and the Great Lakes region as a whole. During the reporting period, meetings of the Tripartite Plus One Joint Commission resulted in agreements on addressing the issue of foreign armed groups. Ministerial-level representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda addressed a letter to the President of the Security Council on 21 October (S/2005/667), asking the Council to amend the mandate of MONUC to include disarming the foreign armed groups by force. Meanwhile, the countries of the region have continued to face difficulties in fully engaging in other mechanisms designed to address security issues of mutual concern. While there are several practical issues to be addressed by the Joint Verification Commission, it has not met since 3 May. In addition, the Government of Rwanda has not responded to the official request made by the Transitional Government on 14 October to extradite former Colonel Jules Mutebutsi, who was named in the sanctions Committee's list of individuals and entities subject to the measures imposed by resolution 1596 (2005) (www.un.org/docs/sc/committees/DRC/1533_list.htm).

12. Relations between the Governments of the Democratic Republic of the Congo and Uganda have been strained by recent incursions of elements of the Lord's Resistance Army (LRA) into Congolese territory. With the encouragement of

MONUC, however, representatives of the two countries held several meetings and an understanding was reached on cooperation to address the problem. The Democratic Republic of the Congo has moved troops to the Sudan border to prevent further incursions by LRA elements.

Electoral process

13. During the reporting period, voter registration, which had commenced on 20 June, was completed in all provinces. As of 17 December, over 25 million Congolese citizens, of an electorate that had been estimated at 22 to 28 million, had registered to vote. The constitutional referendum, initially slated to take place on 27 November, had to be postponed owing to the need to extend the duration of registration, particularly in the provinces of Bandundu and Equateur.

14. The constitutional referendum was held on 18 and 19 December with a moderate turnout countrywide and with minimal security incidents. Despite fears that the call for a boycott issued by UDPS on 14 December would lead to major disturbances, the security situation on the eve of and during the referendum was generally calm, apart from some incidents and attempts at voter intimidation, notably in the UDPS stronghold of Mbuji-Mayi. Turnout was rather low in the opposition strongholds of the Kasais and in parts of Kinshasa. However, in the eastern provinces of the country, turnout was appreciably higher. Most polling stations opened on time, though several were hampered by the non-availability of essential polling materials, in particular voters' lists, and by distribution failures.

15. The establishment by the Independent Electoral Commission of more than 40,000 voting stations for the referendum was an impressive logistical operation. The list of the polling stations was published on 19 November, one month before the referendum, as stipulated in the referendum law. On 2 November, MONUC began the pre-positioning of referendum materials, in two phases. The Electoral Commission then delivered the materials to all polling stations between 9 and 15 December. The training of polling station officers was done in parallel to the distribution of materials. Presiding officers were given the additional task of making payments to the polling officers and police personnel assigned to work with them, in a bid to minimize the problems associated with staff payments during voter registration.

16. In accordance with the referendum law, a formal information campaign on the referendum was conducted from 2 to 16 December. However, the Electoral Commission, MONUC, most political parties and several non-governmental organizations had been carrying out civic education programmes for several months. Between 20 October and 15 December, MONUC held seminars to train over 600 civil society leaders — including representatives of women's groups, public officials and religious leaders — on the draft Constitution. Nonetheless, civic and voter education activities were generally believed to have been insufficient prior to the referendum and will need to be stepped up in the lead-up to the elections.

17. The gap between available funds and election-related expenditures remains a concern. While pledges cover the electoral budget of $270.4 million managed by the UNDP project for support to the electoral process in the Democratic Republic of the Congo, only $184.4 million has been provided. The major donors are the European Union, Belgium, Canada, Germany, Italy, Norway, the Netherlands, the United

Kingdom of Great Britain and Northern Ireland, Sweden, Switzerland, Japan and UNDP. The United States of America provides direct bilateral assistance to the Independent Electoral Commission. The Government of the Democratic Republic of the Congo has disbursed $15 million of its $40 million budgetary allocation.

Election security

18. Overall planning and funding coordination was ensured through the Groupe Technique de Sécurisation Electorale (GTSE), which was established in April and comprises representatives of the Transitional Government, MONUC, the European Union and other major donors. It is expected to identify the challenges and provide solutions for securing the referendum and elections. GTSE has focused on ensuring the safe delivery of the referendum kits to the 40,000 polling stations, security at the stations, and the safe return of the ballots and results sheets to the Electoral Commission's field offices for tabulation. More than 40,000 Congolese police officers were mobilized to provide support for this operation.

19. The Congolese national police provided static security at most polling stations during the referendum. There were few security incidents during polling, and they were mostly handled professionally by the national police. MONUC provided overall security coverage and assured the safe delivery of polling materials to the 166 redistribution hubs.

20. Of the $58,008,564 pledged by donors to cover the budget of GTSE, agreements have been signed for $37,767,542, of which $17,448,862 has been received by the UNDP project account set up for this purpose. A further $10.8 million is expected to be received shortly. This significant shortfall in funding has resulted in significant delays in the implementation of a number of activities. The Transitional Government has provided $3.2 million of its $4 million budgetary allocation.

III. Implementation of the Mission mandate

Security situation

Ituri and Haut-Uele

21. The security situation improved significantly in Ituri during the reporting period. The mid-October deployment of the FARDC integrated brigade to the gold-mining areas of Kilo and Mongwalu, supported by MONUC, yielded immediate results against elements of the Mouvement révolutionaire congolais (MRC). By early November, close to 1,000 militia elements had surrendered to MONUC and FARDC, handing over 223 weapons and ammunition, and 300 of them were transported to Kisangani for *brassage*. However, the lack of basic support to feed and accommodate the disarmed militia members, who were regrouped at the FARDC camp in Bunia, quickly resulted in problems, and 32 of them escaped within a week of arrival in Bunia.

22. In Irumu territory, south of Bunia, FARDC and MONUC launched a joint operation in mid-November that resulted in some 200 MRC elements fleeing towards North Kivu, where they surrendered and disarmed to FARDC. Some 100

militia elements fled to Uganda, where they handed over their weapons to the Ugandan Peoples' Defence Forces (UPDF). The Governments of Uganda and the Democratic Republic of the Congo have taken steps to organize their repatriation.

23. Security in border areas, particularly in the Aru and Faradje territories, has deteriorated with alleged infiltrations of LRA and Sudanese criminal elements and UPDF troops across the border from the Sudan and Uganda. By the end of September, following reports of an LRA incursion in Aba (Haut-Uele district) and threats by the Government of Uganda to retaliate inside the Democratic Republic of the Congo, FARDC had deployed two commando battalions to Aba, bringing its force levels at the border with the Sudan to 1,200. At the same time, MONUC deployed a military observer team and a company to the same area. Following discussions between the FARDC and UPDF chiefs of staff and the MONUC Force Commander, several meetings between FARDC, MONUC and UPDF were held in the border area to exchange information and discuss the security situation on the ground. In early November, two additional small-scale LRA and UPDF patrol incursions were reported. The security situation improved following the launch of a joint FARDC-MONUC area domination operation around Aba, on the border with the Sudan, and the holding in mid-November of a meeting between FARDC and the Sudanese People's Liberation Army (SPLA) in Aba. A meeting was also held between the United Nations Mission in the Sudan (UNMIS) and MONUC in Juba to review joint mechanisms for exchange of information and possible coordination of operations.

24. Despite the gains on the military front, the overall security situation in Ituri remains fragile. Demobilized combatants who are not receiving their stipends under the disarmament, demobilization and reintegration programme and have not been reintegrated into civilian life are susceptible to rejoining militias, which are reportedly continuing to recruit in Djugu and Irumu territories. In the coming months, MONUC will continue to work with the local authorities and its national and international partners to prepare a programme of support for the extension of State authority in Ituri.

The Kivus

25. The Transitional Government intensified its military pressure on foreign armed groups and Mayi-Mayi elements refusing to enter *brassage* in the Kivus, following the 30 September deadline for voluntary disarmament of foreign armed groups agreed upon by the Tripartite Plus Joint Commission. MONUC has continued to focus on identifying militia strongholds and forcing the groups to vacate territory or join the disarmament, demobilization, repatriation, reinsertion and resettlement programme. Operations focused on (a) addressing concentrations of militia, especially the Forces démocratiques de libération du Rwanda (FDLR) and the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), in a phased manner; (b) developing and maintaining the tempo of operations against the militia groups; (c) ensuring flexible logistic support from MONUC to allow for rapid deployments of FARDC; (d) conducting joint operations with FARDC; and (e) supporting the deployment and conduct of operations by FARDC integrated brigades in the Kivus.

26. On 25 October, FARDC declared the Virunga National Park a weapons-free zone and launched operations, supported by MONUC, against renegade Mayi-Mayi

in the area. As a result, 359 Mayi-Mayi elements were disarmed, five camps were destroyed and 167 weapons recovered; 14 FDLR elements were also captured. FARDC also engaged FDLR in the Kasuo area of Lubero territory. While these operations helped improve security in several areas, they also caused the displacement of civilians. In Virunga National Park, approximately 5,000 internally displaced persons from the areas of Bulundule, Bulindi and adjoining villages fled to Kanyabayonga, fearing an influx of FDLR combatants.

27. While military operations against FDLR proceed in the Kivus, fears of reprisals against the civilian population continue. Such fears were realized following a FARDC operation in late September. FARDC captured the localities Bwahungu and Tubimbi, in Walungu territory in South Kivu, after the area had been occupied for almost two months by FDLR and ex-Mayi-Mayi elements allied to FDLR. On 9 October, immediately following the operation, attacks were carried out against civilians in and around the locality of Buba in Walungu territory, allegedly in reprisal, by FDLR/Rastas armed with machetes and sticks. The attacks, some of which occurred only 300 metres from a FARDC checkpoint, caused the deaths of 25 civilians.

28. Following these killings, protests erupted against MONUC among the local population, who feared reprisals if MONUC and FARDC continued to carry out military operations against FDLR. In two letters, those responsible for the massacre expressed their intention to conduct retaliatory attacks against civilians if FARDC continued the deployments of its forces supported by MONUC. Thereafter, MONUC increased its night operations around Kanyola, but a resurgence of violence was noted in Walungu territory, including night attacks and abductions of civilians, allegedly by Rastas.

29. The FARDC chain of command in South Kivu remains weak. In the Ruzizzi plain, three former Mayi-Mayi commanders refused to obey the restructuring orders issued by FARDC commanders before finally entering the *brassage* process in early November. In Minembwe, the security situation has deteriorated because of increased tensions between FARDC personnel loyal to the Transitional Government and those who are refusing *brassage* as well as former Armée nationale congolaise (ANC) elements allied with former Colonel Jules Mutebutsi, who infiltrated into the country from Rwanda in September.

Katanga

30. The security situation in northern and central Katanga continued to suffer from the activities of uncontrolled armed groups and FARDC elements. During the reporting period, Mayi-Mayi militia elements reportedly killed a Catholic priest, looted villages and committed human rights abuses in the area of Moba, Manono and Kabala, causing the movement of approximately 2,000 internally displaced persons.

31. FARDC elements have also been a cause of insecurity in the area, particularly in connection with illegal tax collection and disputes with the provincial authorities. In the Nyunzu-Kabalo-Kongolo area, ex-Mayi-Mayi groups reportedly expanded their territorial control, including over the Lunga gold mines. Outside the main cities, illegal roadblocks have been set up and gross human rights violations by Mayi-Mayi, FARDC, the national police and intelligence and security services have continued unabated. In Kalemie, the presence of some 500 ex-Mayi-Mayi

combatants who had travelled for several weeks to enter the disarmament, demobilization and reintegration process has become a security concern. It is anticipated that MONUC will soon be in a position to help the Transitional Government to mitigate some of these security issues through the deployment of troops, from within the Mission's current military strength of 16,875, to Katanga.

Disarmament, demobilization, repatriation, reinsertion and resettlement of foreign armed groups

32. During the reporting period, the Transitional Government, with MONUC support, intensified its planning and operations to forcibly disarm and repatriate Rwandan and Ugandan armed groups in the country. Several operations have been carried out in North and South Kivu (see paras. 25-29 above) and about 60 Rwandan combatants and their dependants have agreed to enter the demobilization process, some after having been arrested and held in custody by FARDC.

33. As a result of negotiations between the Governments of the Democratic Republic of the Congo and Uganda, with the support of the Government of Ireland, on 8 November the Ugandan Amnesty Commission opened a small office in Beni in northern North Kivu. The Transitional Government granted ADF/NALU an additional month, until 30 October, for voluntary disarmament. Meanwhile, FARDC prepared for military operations in the area, bringing troop reinforcements from Walikale. This carrot-and-stick approach has begun to bear fruit with a number of ADF/NALU elements having contacted FARDC to inquire about the conditions of voluntary disarmament. MONUC is helping the Amnesty Commission conduct an intensive sensitization campaign in northern North Kivu to bring Ugandan combatants and their dependants into the demobilization process. MONUC has also established a temporary assembly area at Beni to accommodate combatants and their dependants who decide to enter the programme.

Security sector reform: disarmament, demobilization and reintegration and army integration

34. The *brassage* of former factional forces of FARDC was to be implemented in three phases. However, only the first phase has so far been completed with the integration of six brigades. The second phase, which was to have commenced in September, has been delayed by the slow pace in the movement of troops to the *brassage* centres and a shortfall of about 30,000 troops entering the process. A number of practical steps to speed up the second phase of army integration, with the assistance of the international community, were discussed at the 21 October meeting of the *espace présidentiel* and the International Committee in Support of the Transition and also within the framework of the Joint Commission on Security Sector Reform. The Transitional Government has been reminded of the urgent need to take measures to ensure the payment of salaries and the provision of adequate logistical support for military and police personnel.

35. During the reporting period, the national disarmament, demobilization and reintegration process also continued to face difficulties. Delays in the payment of demobilization allowances by the Commission nationale de la démobilisation et de la réinsertion (CONADER) generated serious discontent among ex-combatants.

Despite recent efforts to address the backlog, the reintegration of former combatants into society remains slow.

36. A major hurdle to the army integration and disarmament, demobilization and reintegration processes remains the slow pace of FARDC soldiers entering the assembly areas where disarmament takes place, prior to moving to orientation centres, where qualified applicants are offered the choice of staying in the army or re-entering civilian life through the disarmament, demobilization and reintegration programme. This situation has been raised with the General Staff and other relevant national authorities. The issue of transport of demobilized personnel and candidates for army integration between the various centres continues to be a problem owing to limited Government resources and inadequate coordination of the programme. Moreover, even if additional troops were identified to enter *brassage* and transported to the centres, it should be noted that, so far, 40 to 60 per cent of the combatants entering the orientation centres have opted for demobilization rather than joining the army.

37. In a positive development, the World Bank and the World Food Programme (WFP) have agreed to allow CONADER to cover the cost of transportation from the orientation centres of military personnel who have been disarmed or whose military status has been suspended. Furthermore, the Transitional Government has reviewed the proposals produced by the European Union security advisory mission in the Democratic Republic of the Congo, for the reform of the salary structure and an assessment of training necessary for the various ranks, with a view to implementation by the Supreme Defence Council.

Police reform

38. During the reporting period, the MONUC police component, consisting of 750 members of six formed police units and 391 individual officers, continued to provide support to the Congolese national police. An agreement was reached with the Transitional Government to establish a committee for the planning of the long-term reform of the police and other law enforcement agencies in the country. MONUC also certified 112 national police instructors during this period. By 15 November, some 17,800 territorial police officers had undergone a one-week basic training programme, conducted by the national instructors, on the provision of static security for the registration and polling centres.

39. Since 15 September, MONUC has provided crowd-control training for some 620 national police officers in Lubumbashi, Matadi Mbandaka and Mbuji-Mayi, bringing the number of personnel provided with such training to 5,300. MONUC and the national police have recently developed and shared with donors a national training plan for the Congolese police. Among other things, the plan outlines the training activities that MONUC has provided and that it, together with bilateral partners, Angola, France, South Africa and the European Union, will conduct through March 2006.

40. MONUC police officers are now strategically deployed in 16 locations throughout the country and are co-located with the Inspector General of Police and all of the provincial inspectors. They are tasked with advising on operations planning and management and supporting the implementation of the Government's security plan for the elections. MONUC has assigned two police officers to

permanently liaise with the Independent Electoral Commission and the national operation centre to facilitate security arrangements for the elections.

41. As at 30 November, two formed police units from Bangladesh were deployed to Kinshasa and Kisangani and two units from India had arrived in Kinshasa and Lubumbashi. The deployment of two units from Senegal was completed early in December.

Humanitarian situation

42. In Ituri and parts of South Kivu, there has been an encouraging return of internally displaced persons and refugees and increased access to vulnerable groups in key areas thanks to the improved security situation. However, the continued presence of uncontrolled armed groups in the east, coupled with harassment of civilians by unpaid Government soldiers, often hinders the delivery of critical assistance to vulnerable populations. MONUC has continued to support the activities of humanitarian agencies throughout the country, facilitating the delivery of critical assistance to inaccessible areas and providing security.

43. The voluntary repatriation of Congolese refugees from the United Republic of Tanzania with assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) began on 12 October. UNHCR is planning for the return of 1,000 refugees each week until the end of 2006. MONUC is supporting the return operation by providing safe water, ground transportation for returnees and air transport for UNHCR personnel.

44. In Ituri, clashes between militias in September led to the displacement of 2,000 people, forcing them to seek shelter in the Eringeti area of North Kivu, where they received humanitarian assistance following the deployment of MONUC and FARDC. The Mission is also working with development partners to reopen the barge service between Ubundu and Kindu in Maniema, which will further open up the country and improve access to some 20 million inhabitants of Katanga, Maniema and Oriental provinces.

Gender

45. MONUC organized a training session from 19 to 21 October for 130 lawyers and magistrates in Kinshasa. The session was designed to inform participants about the Convention on the Elimination of All Forms of Discrimination against Women and other relevant instruments, to help ensure that the rights of women are effectively promoted and protected by the Congolese courts.

46. Working closely with the Independent Electoral Commission, MONUC carried out advocacy, lobbying and special media campaigns targeting Government ministers, parliamentarians, civil society and other stakeholders to ensure that the draft electoral law to be adopted by Parliament ensures equal representation and participation for women in all aspects of the electoral process.

Human rights

47. Serious human rights violations committed by FARDC and national police personnel against civilians continue to be reported. These acts contribute to a climate of fear and insecurity in several towns and provinces, as violent crimes, particularly armed robberies, are conducted with impunity. The situation is worst in Kinshasa, Mbuji-Mayi and Goma, but incidents of violence also continue to be reported in North and South Kivu, northern Katanga and Ituri district. Some killings are suspected to be extrajudicial executions, including the murder in November of a well-known journalist and his wife at their home in Kinshasa.

48. Restrictions on freedom of expression have also continued. During the reporting period more than a dozen journalists, trade union leaders and others were arrested and some of them were transferred to the State Security Court where they face charges of threatening State security and related offences. Some independent publications and broadcasts have also been suppressed.

49. Investigations by MONUC demonstrate a close link between the illegal exploitation of natural resources and violence. In addition to the recent conflict in Mongwalu, frequent violence related to the illegal exploitation of diamonds in the Société minière de bakwanga concession in Mbuji-Mayi and human rights violations committed by corrupt local officials linked to illegal tin mining in Walikale (North Kivu) have continued. In Katanga, in the area around Lunga, illegal exploitation of gold has been the context for violence against civilians by both FARDC and Mayi-Mayi militia groups.

Child protection

50. As a result of efforts by MONUC and other child protection partners, at least 677 children under 18, mostly male, were separated from FARDC units and armed groups (mainly ex-Mayi-Mayi and Ituri militia elements) in Ituri, the Kivus, Kasai Oriental and Katanga. Some 40 children had been integrated into FARDC brigades, highlighting the need for continued monitoring to ensure that no one under 18 is included in the *brassage* process. At the same time, children continued to be re-recruited into militia groups. MONUC has received allegations of 15 children having been re-recruited, mainly in the Kivus, mostly by ex-Mayi-Mayi and ex-ANC militias.

51. The issue of street children continues to be a focus of activity. Local authorities in Kinshasa, Goma, Mbuji-Mayi, Kananga and Kisangani conducted round-ups of street children and adults during the reporting period, apparently in response to complaints by the local population about increased crime. These operations were indiscriminate, targeting all street children in a particular area, and in the case of Kananga, some children sustained serious injuries, allegedly from beatings. While in Kisangani and Goma efforts were made to hand the children over quickly to non-governmental organizations, in Kinshasa, in November, over 100 children, including some who were not street children, were held in police custody for a week without charge. Joint advocacy efforts by MONUC, the United Nations Children's Fund (UNICEF) and non-governmental organizations resulted in their eventual release. Following persistent advocacy by child protection organizations,

the Minister of Social Affairs held a meeting in November with relevant actors and other ministries to develop a national plan for street children.

Rule of law

52. The joint Congolese-international justice reform coordination mechanism held its first meeting on 3 November. The mechanism established by key partners, including MONUC, and jointly chaired by the Minister of Justice and the head of the European Commission delegation in Kinshasa, is intended to foster a coordinated strategy regarding judicial issues. In September and October, MONUC supported training sessions on professional ethics and corruption organized by the Ministries of Defence and Justice for some 100 military and civilian magistrates in Kisangani and Matadi. The seminars were combined with prison inspections and led to a commitment on the part of the Minister of Justice to increase the deployment of magistrates and prosecutors in Province Orientale, the Kivus, Maniema and Equateur, in order to expedite the processing of cases, eliminate unlawful detention and reduce prison overcrowding.

53. During the reporting period, military justice authorities took some measures to combat impunity. Eight soldiers were given life sentences for human rights violations and another soldier was convicted of crimes against humanity by a military court in Kindu. The trial of FARDC officers accused of participating in a mass rape in Equateur in December 2003 opened in October. International arrest warrants for Laurent Nkunda and Jules Mutebutsi were issued in October. A number of ex-Mayi-Mayi accused of having carried out mass rape and other abuses in Katanga in May 2005 were arrested. At the same time, however, a number of Ituri warlords continue to evade arrest for international crimes and there is serious concern about the capacity and independence of military courts to guarantee fair trials. The military leadership has succeeded in blocking the conclusion of a trial of an army officer accused of the killing of four children during a shooting incident in North Kivu on 30 June. The security of defendants, witnesses and judicial personnel for such trials is not assured. In this connection, MONUC has set up a unit to facilitate the physical protection of witnesses, victims of human rights violations and human rights defenders at risk of attack from members of the security forces due to their involvement in cases.

Public information

54. The MONUC public information division focused on educating the public and the political parties regarding the electoral process through Radio Okapi, special publications, community outreach efforts and MONUC websites. Special information materials are being provided for civic education activities to encourage voters to participate in an informed manner.

55. Radio Okapi's special elections team is working to maximize news, current affairs and electoral programmes broadcast by national stations. The broadcasting capacity of Radio Okapi has been enhanced with the installation of new transmitters increasing the coverage to 80 per cent of the territory of the Democratic Republic of the Congo.

HIV/AIDS

56. In partnership with United Nations agencies, on 20 October, MONUC organized an HIV/AIDS fair in Beni which attracted some 5,000 visitors. It provided an opportunity for national and international organizations to highlight their HIV/AIDS-related activities and emphasize the need for community participation in preventing the spread of the epidemic. MONUC organized a capacity-building workshop for 35 media personnel in Kinshasa from 26 to 29 October, to encourage more effective media campaigns on HIV/AIDS. Additionally, a conference on voluntary confidential counselling and testing was organized in Kinshasa, with support from the United Nations agencies, to strengthen the Mission's capacity to provide confidential counselling and testing for HIV.

Integrated mission concept

57. Progress has continued in implementing the integrated mission approach through joint planning mechanisms to address the post-electoral period, when the United Nations system will increasingly focus on development rather than relief.

58. The 2006 Democratic Republic of the Congo Action Plan, which has been developed through consultation between MONUC, the United Nations agencies, donors, non-governmental organizations and the national authorities, is near completion. The Plan lays out a common strategic framework linking humanitarian needs to transition programmes, thereby paving the way for post-conflict recovery and stability. It provides a dynamic tool for the coordination of some $1 billion in assistance opportunities that are identified in the Plan. As part of its innovative approach, the Plan will ensure that the United Nations system maximizes its impact during the post-electoral period by implementing integrated programmes.

59. The Office for the Coordination of Humanitarian Affairs has taken the lead in developing the humanitarian section of the Action Plan. Some $700 million in projects have been identified in the first two lines of action — Saving Lives and Building a Protective Environment — which respond to the country's humanitarian needs. The third line of action, Promoting Stability, aims to fast-track key parts of the country's Poverty Reduction Strategy Paper, which has been prepared by the Transitional Government and will serve as the strategic framework for all donor development assistance as soon as it is adopted, probably early in 2006. The United Nations agencies will jointly implement high-impact transition programmes in the areas of small arms and mine action, rule of law, social services, rural recovery, national dialogue and government coordination. The programmes are aimed at delivering tangible peace dividends to the population, accelerating the country's recovery, promoting national reconciliation and contributing to sustainable peace.

60. Protection of civilians continues to be an important unifying theme for MONUC and the United Nations and the United Nations family. Joint coordination mechanisms have been established at the central and provincial levels, in which the Mission's civilian, police and military components work closely with the Office for the Coordination of Humanitarian Affairs, UNHCR, UNICEF and the humanitarian community. The objective of these mechanisms is to promote a pragmatic field-based approach to civilian protection, including direct protection activities by MONUC peacekeepers.

IV. Conduct and discipline

61. Pursuant to General Assembly resolution 59/287, the Office for Addressing Sexual Exploitation and Abuse formally handed over all pending cases and new allegations to the Office of Internal Oversight Services on 4 October. On 8 November, the Conduct and Discipline Team was established in MONUC to ensure the prevention of all types of personnel misconduct, with particular emphasis on sexual exploitation and abuse, as well as compliance with and the enforcement of United Nations standards of conduct among all categories of mission personnel. This new entity will build upon and directly benefit from the significant and visible achievements of the former Office for Addressing Sexual Exploitation and Abuse in terms of policy development, implementation of the MONUC training strategy and the setting up of networks of focal points on sexual exploitation and abuse at the MONUC and inter-agency levels. The Conduct and Discipline Team and the Office of Internal Oversight Services are collaborating in resolving potential problem areas and in defining efficient procedures to ensure transparency and clarity in the new processes within MONUC.

62. From 25 December 2004 to mid-October 2005, 111 investigations into allegations of sexual exploitation and abuse, involving 167 MONUC personnel, were completed. As a result of the investigations, allegations were substantiated against 78 personnel (more than 50 per cent of the alleged perpetrators), comprising 0.4 per cent of all MONUC personnel. Allegations against all levels and categories of personnel, from support staff to senior managers and from the rank and file to commanding officers, were substantiated.

63. The Conduct and Discipline Team continues to provide induction training to all new Mission personnel and informal training sessions for other sections, as requested. As at 16 November, 60 briefings for over 1,500 MONUC personnel had been held. To support these efforts, the Team is recruiting a training officer.

64. In accordance with my Special Representative's instructions on the development and implementation of regional action plans for the prevention of sexual exploitation and abuse, eight action plans have been submitted to the Team and 77 civilian, military and police focal points have been nominated for their respective regions. Measures to prevent sexual exploitation and abuse in all components of MONUC remain in place. Information on measures taken by MONUC to address sexual exploitation and abuse are on the MONUC website, including applicable standards of conduct; the complaints mechanism; support for and assistance to victims; and training.

65. The Conduct and Discipline Team continues to maintain a referral system for victims of sexual exploitation and abuse, which facilitates referrals on a case-by-case basis to non-governmental organizations which have agreed to provide the necessary support. The inter-agency focal point network on sexual exploitation and abuse, chaired by the Team, decided to strengthen its joint approach to combating sexual exploitation and abuse in such key areas as common standards and procedures.

V. Administrative aspects

66. During the reporting period, the Department of Peacekeeping Operations commenced a review of the Mission's organization and staffing levels, as requested by the legislative bodies during recent administrative and budgetary sessions on MONUC. While the report has yet to be finalized, the initial findings bring out several of the concerns that MONUC has already identified and set out to address. A key concern is the chronic difficulty of recruiting and retaining staff in all areas, including the support component. The vacancy rate of the Mission currently stands at about 27 per cent. The review also supported the establishment of a logistics base in Entebbe. By redeploying some of the resources presently located in the west of the country, it has been possible to use Entebbe as the main transit point for MONUC goods destined for the Democratic Republic of the Congo. MONUC, UNMIS and the United Nations Operation in Burundi have recommended that an inter-mission cooperation framework be pursued so that resources can be pooled in an Entebbe-based logistics hub, which the three Missions could rely on for common services. The modalities for cooperation and cost-sharing are under development.

67. Support for the voter registration process has remained the primary logistics focus of the Mission. MONUC completed the distribution of voter registration material to the 166 sites identified, and has provided considerable additional air support to help the Independent Electoral Commission reach particularly remote registration centres.

VI. Financial aspects

68. My proposed budget for MONUC for the period from 1 July 2005 to 30 June 2006 is in the amount of $1.1 billion, inclusive of the commitment authority of $387.2 million approved by the General Assembly in its resolution 59/285 B. It provides for the maintenance of the Mission's additional military and civilian police strength authorized by the Security Council in its resolution 1565 (2004) and includes requirements for the support of elections and formed police units authorized by the Council in its resolution 1621 (2005). The budget is before the General Assembly and is expected to be approved shortly.

69. As at 15 November, unpaid assessed contributions to the MONUC special account amounted to $292.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,149.2 million.

70. On 1 December, amounts owed for troop and contingent-owned equipment costs totalled $96.5 million. Owing to the Mission's precarious financial situation, reimbursements of troop and equipment costs were suspended in January and June 2005, respectively, and continue to be in arrears.

71. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $1.2 million. From the amount of $67,700, representing the balance of contributions to the trust fund to support the Ituri Pacification Commission and utilized upon consultation with the donors to support the Ituri district administration, expenditures amounted to $39,300.

VII. Observations

72. The progress made during the reporting period in the Democratic Republic of the Congo, in particular with regard to the voter registration process and the successful holding of the constitutional referendum on 18 and 19 December, is encouraging. The very large turnout of Congolese citizens for registration reflects their strong desire for representative and democratic governance. Although the turnout was lower for the referendum, its conduct marks a significant turning point in the history of the country and represents the first opportunity for the Congolese people to choose their system of governance in over 40 years. I congratulate the people of the Democratic Republic of the Congo for taking this first important step towards the holding of elections in the coming months.

73. At the same time, as was highlighted during the Security Council's recent visit to the Great Lakes region, the Transitional Government and its leaders still have to demonstrate in more concrete terms their commitment to fulfilling their obligations under the Global and All-Inclusive Agreement, particularly with regard to ensuring a level playing field for elections, and to demonstrate tangible progress in the extension of State administration, social and economic recovery and security sector reform. I would urge all Congolese and international stakeholders to remain engaged and to allocate the necessary means to continue working together towards meeting the outstanding objectives of the transitional agenda.

74. The Transitional Government has made significant progress in advancing the legislative agenda, particularly with the adoption of the amnesty law in November. The Parliament should accelerate its review of the electoral law and approve it as soon as possible so that it can be adopted without delay. In considering the draft law, the Parliament is expected to ensure that it provides for an electoral system in which the population will have confidence. Moreover, post-electoral stability will depend upon the cooperation of all political parties and the population accepting the results of the election. The Transitional Government should therefore publish an electoral timetable and significantly step up civic education. In regard to electoral campaigning, the political parties will have to refrain from any use of hate messages and provocative language.

75. Effectively addressing the many issues that remain under the transitional agenda will be vital in ensuring durable stability in the Democratic Republic of the Congo. An area of particular concern is the slow progress in the reform of the security sector, particularly at the institutional level, in the preparation of police and military forces on the ground to assume their responsibilities for effectively ensuring security, and in the reintegration of demobilized combatants. Proposals to address these issues have been presented by international partners to the Government, including through the Joint Commission on Security Sector Reform. I call on the Government to work in earnest with its partners to implement those proposals so that there can be significant progress in the coming months in building a viable national security system. Altogether, security sector reform remains a critical element for the success of the peace process.

76. During the reporting period, the Transitional Government followed up on its 16 July decision to forcibly disarm foreign armed groups, which is a welcome sign and deserves to be supported. The robust military actions taken by FARDC, with support from MONUC, have yielded some commendable advances. However, they

have not yet produced the full disarmament and repatriation of foreign armed groups. A key reason for this is the continued lack of capacity and resources for FARDC units on the ground, which needs to be urgently addressed.

77. At the same time, the Governments of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda have clearly registered their concern that the presence of foreign armed groups from Uganda and Rwanda on Congolese territory continues to pose a threat to regional security and have asked that the United Nations re-examine strategies that might assist them in resolving this issue. It is obvious that pressure for FDLR to disarm and repatriate should continue. I also recognize the need for innovative approaches, but any proposal to provide a peacekeeping mission with a mandate for forcible disarmament would need very careful consideration. Furthermore, the enforcement option should be dealt with in a broader context, as one element in a multifaceted strategy. I intend to present recommendations to the Council in this regard in my next report. Meanwhile, the United Nations will need to revisit its disarmament, demobilization, repatriation, reinsertion and resettlement strategy, putting it in a more comprehensive context and reviewing the possibility of a more targeted military approach while considering information-sharing, judicial, economic, sanctions and amnesty issues and addressing the necessity for the full commitment of all concerned.

78. In this regard, it should be recognized that the main responsibility for disarming and repatriating foreign armed groups rests with the Government of the Democratic Republic of the Congo. However, as long as the Government does not provide adequate support to its troops, they will be tempted to sustain themselves and serious joint MONUC/FARDC military efforts to disarm the foreign armed groups will be unsustainable. FARDC and MONUC have already reviewed the minimum resources necessary for FARDC units to conduct operations with MONUC, in accordance with the joint concept of operations outlined in my report of 26 September 2005 (S/2005/603), which they will shortly share with donors. I strongly urge donors to seriously consider this request, which, on the part of the Government, must go hand in hand with the restructuring of its military administration. I welcome in this connection the contribution of the Netherlands to support these efforts.

79. The humanitarian crisis in the Democratic Republic of the Congo remains severe and there is a significant shortfall in resources to address it. So far, only $220 million of humanitarian funding for 2005 has been received, of which $106 million was channelled through the consolidated appeal process. I very much hope that the development of the 2006 Democratic Republic of the Congo Action Plan will provide a basis for linking humanitarian needs to programmes that pave the way for post-conflict recovery and stability. A special post-transition strategy will have to be developed well before elections.

80. Another area requiring serious attention is strengthening the Government's sovereignty, including its ability to effectively manage the country's natural resources and provide basic services to the population. A coordinated and strategic approach by the Congolese authorities and the international community, particularly the international financial institutions and key donors, will be indispensable for the Transitional Government to implement effective and transparent regulatory controls, including those applying to the management of public enterprises; revenues from

taxes, customs and natural resources; the payment of salaries to civil servants, including the military and the police; and the allocation of Government contracts.

81. The recent arrest and detention by Congolese authorities of the Ituri militia leader allegedly responsible for the massacre of 13 Bangladeshi peacekeepers in February is a most welcome development. This is an important step towards combating impunity in the Democratic Republic of the Congo. Law and order cannot be achieved in the absence of effective judicial and corrections institutions. I therefore call on the Government to work actively with the international community to increase the capacity of the judicial system nationwide and to ensure humane conditions of detention.

82. In closing, I would like to thank my Special Representative and the personnel of MONUC, the United Nations system and international partners for their tireless efforts, often under conditions of grave personal risk, in the pursuance of peace in the Democratic Republic of the Congo and the whole of the Great Lakes region.

United Nations S/2005/833

Security Council

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Note by the President of the Security Council

I have the honour to transmit a letter dated 30 December 2005 from the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa to the President of the Security Council, forwarding the annual report of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa in 2005 (see annex).

06-20186 (E) 230106

Annex

Letter dated 30 December 2005 from the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa to the President of the Security Council

I have the honour to forward herewith the annual report of the Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, which has been agreed by the members of the Working Group.

I would like to request that the present letter, the attached annual report and its annexes be circulated as a document of the Security Council.

(*Signed*) Simon B. **Idohou**
Ambassador, Permanent Representative
Chairman of the Security Council Ad Hoc Working Group
on Conflict Prevention and Resolution in Africa

Appendix

ANNUAL REPORT OF THE SECURITY COUNCIL AD HOC WORKING GROUP ON CONFLICT PREVENTION AND RESOLUTION IN AFRICA FOR THE YEAR 2005

INTRODUCTION

1. The Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa was established by the Note of the President of the Security Council S/2002/207 dated 1 March 2002 with the following mandate:

- To monitor the implementation of recommendations contained in relevant presidential statements and resolutions regarding conflict prevention and resolution in Africa;
- To propose recommendations on the enhancement of cooperation between the Security Council and the Economic and Social Council as well as with other United Nations agencies dealing with Africa;
- To examine, in particular, regional and cross-conflict issues that affect the Council's work on African conflict prevention and resolution;
- To propose recommendations to the Security Council to enhance cooperation in conflict prevention and resolution, between the United Nations and regional (OAU) and subregional organizations.

This mandate was extended lastly until 31 December 2005, in the Note by the President of the Security Council S/2004/1031 dated 30 December 2004.

2. The activities of the Ad Hoc Working Group until December 2004 are recorded in following documents of the Security Council:

- Note by the President of the Security Council S/2002/607 dated 31 May 2002;
- Note by the President of the Security Council S/2002/1152 dated 12 December 2002;
- Note by the President of the Security Council S/2003/1188 dated 22 December 2003;
- Note by the President of the Security Council S/2004/989 dated 21 December 2004.

3. By the Note by the President of the Security Council S/2005/4 of 5 January 2005, the Security Council agreed that HE Mr. Joel W. ADECHI Ambassador, Permanent Representative of Benin serves as Chair of the Working Group. Ambassador ADECHI relinquished his office 26 June 2005. From June 2005 to 19 October 2005, the Working Group was headed by Mr. Jean-Francis R. ZINSOU, Chargé d'Affaires a.i. of the Permanent Mission of Benin, as Acting Chairman of the Working Group. By the Note by the President of the Security Council S/2005/660 dated 20 October 2005, the Security Council agreed that HE Mr. Simon Bodéhoussé IDOHOU, Ambassador, Permanent Representative of Benin serve as Chairman of the Working Group for the period ending on 31 December 2005.

4. In the year 2005, the Working Group continued its activities in a new context characterized by the following elements:

- The debate on the recommendations made by High Level Panel on the "Threats, the Challenge and Change" and of the Report of the Secretary-General "In Larger freedom ..." which were issued in the framework of his efforts to bring forward the reform of the United Nations and which put a greater emphasis on ways and means to meet the challenge of prevention of threats to the collective security.

- An assessment was intended of the implementation of the Millennium Declaration and of the Millennium Development Goals for which conflict prevention and resolution play a paramount role.

- Africa is still experiencing crisis and conflict situations in many countries of the Continent. Moreover, some countries which are engaged in post-conflict peacebuilding processes are faced with complex difficulties and are likely to relapse in conflict if the international community fails to adopt a more efficient approach in its relationship with those countries. These considerations opened a wide scope of interaction with a variety of stakeholders in the efforts to reshape the United Nations and to improve its actions in the field of conflict prevention and resolution, especially in Africa.

5. The Working Group made its task to contribute to the debate on those issues in the framework of its mandate and to contribute to forging consensus on major issues of the United Nations Reform. In this sense, it worked out a programme of work identifying some general issues related the ongoing debate and some specific issues, with the aim of promoting consensus on the need for the development of a comprehensive strategy for conflict prevention and resolution in Africa in order to streamline the approach to Africa of the United Nations in general and the Security Council in particular. The mentioned programme of work is attached as Annex III.

6. The Working group followed closely the discussions in the Council and accompanied its work on the African issues it addressed and met whenever it was felt necessary and to assess the situations and the possible contribution it can bring. Besides, the working Group organized two major events.

I. - Contribution of the Working Group to the Work of the Council

7. The Council devotes more than 60% of its time and work load to African issues. The Chair of the Working Group held frequent bilateral and multilateral consultations with its members and the relevant Departments of the Secretariat to promote a common understanding of the issues the Council is dealing with. The Chair met informally with the Permanent Representatives of the countries on the Agenda of the Council and of other interested countries and with Special Representatives of the Secretary General in Africa and held exchange of views with them on the problems of those countries and the support the Council can give them in the various outcomes of its meetings. Taking into account the sensitivity of country related issues it was an understanding that the Working Group will not address them as such as agenda items except in the consideration of horizontal and transversal issues. Such issues were taken into account in the Programme of work of the Working Group. It considered however the situation in Liberia from the standpoint of the possibility of cooperation with the ECOSOC.

A- The discussions regarding the Cooperation between the Security Council and ECOSOC

8. The Working Group considered that the establishment of the Peacebuilding Commission will solve definitely the controversial question of the cooperation between the Security Council and the ECOSOC. In this sense, it devoted a great attention to the debate about the Peacebuilding Commission. To this purpose, it assessed the institutional approach of the United Nations' role in crisis settlement, and the importance of the peacebuilding in Africa from the point of view of its practicality. It mainly addressed the question as to how the coordination of actions between the Security Council and ECOSOC can be improved to avoid economic crises spilling over into political crises and into an outbreak of violence. The Working Group should proceed with the consideration of the recommendations made during the Policy forum in this regard, in order to contribute to the work. The Working Group examined the issue at the occasion of the consideration in the Council of the preparation and adoption of the Governance and Economic Management Assistance Programme (GEMAP) in order to provide a strategy for the Government in ensuring transparency and accountability in the management of State resources, and taking into account the recommendation made by the Secretary General in its seventh progress report on the United Nations Mission on Liberia, (S/2005/391) issued on 16 June 2005.

9. Taking into account the views expressed in the Council on the issue, the Working Group met especially to assess the situation from the point of view of the possibility of cooperation between the Security Council and the ECOSOC. During that meeting held on 29 June 2005, the Working Group agreed that, while such a cooperation in not to be excluded no action can be taken by the Council until the proposed plan of action was approved by Economic Community of West African States (ECOWAS) and the Transitional Government. In its Resolution 1626 (2005) dated on 16 September 2005, the Council welcomed the signing by the National Transitional Government of Liberia and the International Contact Group of Liberia of the Governance and Economic Management Assistance Program (GEMAP) which is designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of measures imposed by resolution 1521 (2003). The Council also requested the Secretary General to include information on the progress of the implementation of the GEMAP in his regular reports on UNMIL. The implementation of the GEMAP deserves to receive due attention from the Peacebuilding Commission.

B- Wrap-Up Session on African Issues on the agenda of the Council

10. An important milestone of the Work of Ad Hoc Working has been the Wrap-up open debate held in the Security Council on 30 March 2005 under the Presidency of Brazil which favored an extensive exchange of views on the situation in Africa and on the ways and means to increase the effectiveness of the efforts made by the Security Council to cope with them. The President of the Security Council addressed a letter to the Secretary General indicating the areas of discussion to be considered. It is worthwhile to recall here the main results of that debate:

11. As a principal organ of the United Nations, the Council must also be ready for a permanent process of evolution. It should never cease to question and to improve its methods of work, its political perceptions, and to conduct frequently cost-benefit analyses of its action. Despite what has been stated in debates and affirmed in many resolutions, in practice emphasis is still on reaction to African conflicts and not on their prevention. Prevention requires the deepest causes of conflicts, such as poverty and underdevelopment, to be addressed. There can be no peace without development or development without peace.

12. The Speakers underscored that it is the politics of poverty and scarcity which give rise to most of Africa's problems. They recommended that, while prevention of conflicts should be considered a vanguard task to be tackled by the United Nations as a whole, the Security Council should enhance coordination and cooperation with other United Nations bodies, in order to help address deep-rooted social and economic causes of conflict in Africa and ensure development and employment through fair trade, as a way to prevent either the outbreak or the resurgence of conflicts. For this purpose they welcomed the greater involvement of the Economic and Social Council in this task, in particular by means of the creation of ad hoc working groups such as those established for Burundi and for Guinea-Bissau.

13. The Security Council's experience with the recurrence of conflicts that have long been on the Council's agenda and the complexity of those conflicts should lead the Council to take more creative and more inclusive approaches. In many situations, the underlying economic, social and political conditions which aggravated, or ever gave rise to, a particular conflict remain throughout the duration of military operations, only to reappear with full-strength once the armed conflict seems to be resolved.

14. The task of the Security Council is to define the priorities clearly so that the broadest set of international actors - Member States, regional organizations, United Nations institutions, international donors, the business community and non-governmental organizations - with the United Nations coordinating, could be drawn into the search for solutions to difficult problems during the transition period. Only through such a comprehensive and complex approach can the long-term solution to complex crises in Africa be ensured. It is only when the peace dividends are palpable for the people in countries in conflict that the probability of recurrence of conflict will subside.

15. The question of the transition from relief activities to the promotion of development is crucial. In this regard, the speakers called for the creation of a new structure that would address, in an integrated manner, the situation of countries emerging

from conflict. Many were of the view that in the post-conflict phase, immediate peacebuilding efforts are essential for securing stability and for creating a solid foundation for long-term reconstruction and development. In that phase, a more comprehensive approach and better coherence are needed.

16. The Peacebuilding Commission should serve as a mechanism for early engagement of the international community with situations that risk sliding towards conflict. Good offices and other mechanisms for peaceful settlement and conflict avoidance could be utilized, as appropriate, under the framework of the Commission. It should promote development as the best means to prevent conflict.

17. They called for the adoption of rules and procedures to put Article 65 of the Charter fully into force, in order to explore its many potential benefits and deemed the establishment of a peacebuilding commission that would help bring together the objectives of peace and security on one hand, and sustained development on the other hand, to be the right place for such and interaction for promoting sustainability. It was stressed that the much needed military action to provide security and promote fragile peace processes have to proceed in parallel with concrete action to lead people out of the vicious circle of hopelessness and immediate gain, thereby providing for a sustainable peace.

18. For peacebuilding, the key challenge, among other issues, remains the mobilization of sustained and adequate international support, including funding and resources. With the concurrence of the Governments concerned, assistance can be provided in pre-conflict stages: in the governance, economic and social recovery, human rights and humanitarian fields. In that way, the United Nations as a whole can join together in addressing and overcoming the challenges which face developing countries of Africa and several other developing countries at the dawn of the twenty-first century.

19. In the case of post-conflict situations, managing the transition from conflict to long-term development and preventing relapse into conflict have also gained greater attention at the United Nations. The recognition of the inextricable link between peace and development has opened the window for increased cooperation and coordination between the Security Council and the Economic and Social Council. Some speakers expected that relationship to develop further in an institutionalized way. There should be closer coordination between the Council and non-governmental organizations that provide humanitarian assistance, even if it is necessary to maintain a clear separation of humanitarian assistance and military operations.

20. Many speakers portrayed the promotion of democracy, rule of law and good governance through governance-building and capacity-building as a way to prevent conflicts. They considered making public institutions work in order to ensure the rule of law and provide security and basic welfare to the public is a long-term endeavor, as central to the goal of conflict management and peacebuilding, as well as supporting actions for a better management of natural resources by African countries at risk of conflict, and combating the illicit trade in small arms and light weapons. Without prejudice to the right of all States to import, produce and possess such weapons for the needs of legitimate self-defense and security, the spread of illicit light weapons was deemed an obstacle to the peaceful settlement of disputes and contributes to prolonging conflict. Greater support should be provided for initiatives such as the moratorium of the Economic Community of West African States, which is being transformed into a convention; this could also contribute to the attainment of that goal.

21. I was particularly emphasized that the Security Council should act quickly and resolutely to prevent the prolongation of armed conflicts and of human suffering and ensure that arms embargoes be more scrupulously respected. The Speakers suggested that an Improvement of the decision-making process within the Security Council could be reached, *inter alia*, by promoting better interaction with other United Nations bodies, regional organizations, mediators and representatives of civil society related to conflict situations in Africa.

22. The Member States were highly supportive of regular Security Council missions to countries in conflict, which provide a unique opportunity for members to engage in the realities of the conflicts the Council is seized of. They stressed that the practice should be maintained and even increased in order to allow the Council to make use of first-hand information regarding conflicts in Africa, especially the views of those directly linked to conflicts under review and their particular

assessment of the constraints on, and the possibilities for, the action of the United Nations must be duly taken into consideration to improve its decision-making process.

23. The speakers also stress the need to explore available non-military options, and to promote the effectiveness of sanctions regimes, in particular through monitoring mechanisms, adequate listing and de-listing procedures, reinforcing the capacity of Member States to implement sanctions and promoting humanitarian impact assessments. The Council should refine the way in which it uses sanctions. It is true that the usefulness of that instrument has been demonstrated against UNITA in Angola and the Revolutionary United Front in Liberia; in those cases, the sanctions were targeted and the political goals clear-cut. Sanctions must continue to be assessed and monitored on a regular basis by the panel of independent experts. Sanctions should aim at drying up the sources of conflict. Wherever a United Nations operation is in place, it should contribute to ensuring that sanctions are enforced in an effective manner. Its mandate and rules of engagement should be formulated accordingly.

24. The speakers were of the view that if prevention failed, the protection of civilians should be ensured. The Council should ensure effective and timely deployment of peacekeeping missions. They stressed that the resources of the international community are not unlimited. Hence, the number of peacekeepers deployed in the field cannot grow indefinitely. The Council, in close cooperation with the Africans, must in each case define a genuine exit strategy. Due attention should be paid to Implementing effective disarmament, demobilization and reintegration (DDR), and disarmament, demobilization, repatriation, reintegration and resettlement (DDRRR) Programmes. Such programmes must be effectively supported and implemented in a regional approach.

25. Many speakers stressed the importance of combating impunity. They recalled that the primary responsibility for bringing perpetrators to justice belongs to local courts and tribunals. However, in some cases, where local institutions do not have the capacity to investigate and prosecute, or in cases, where the fight against impunity is hampered by reluctant authorities, the Council should look to the International Criminal Court (ICC), given its international status, permanent structure and mandate.

26. They welcomed the closer cooperation between peacekeeping operations and political missions deployed in the same region, as well as coordination among United Nations offices and agencies in different countries, as well a the presence of the United Nations at the regional level in West Africa, and in the Great Lakes region, which demonstrates the gains that can be obtained through their coordinated efforts and joint activities.

27. They stressed that peace processes currently being undertaken in Africa rely on growing regional and subregional African diplomatic efforts and military components, thus demonstrating the strong and increasingly effective commitment of African States to intra-African solutions. These efforts should be strongly and efficiently supported by larger international community.

28. Conflicts in Africa cannot be resolved without taking their regional dimension fully into account. Both preventive measures and effective conflict management must be designed and implemented through active cooperation with and support from regional and subregional organizations. It is necessary to harness synergies on a regional basis and make sure that there are no disadvantages to other countries. They welcomed developments within the African Union to enhance its capacities for crisis management and to strengthen coordination with the United Nations, with subregional organizations and with non-African partners, such as the European Union and the G-8. They stressed African ownership and international partnership could be the synergetic platform for making the most of the investment directed to peace and security in Africa.

29. The Council should explore how to best support the ongoing efforts to build the African Security Architecture and should work closely with the African Union and regional organizations to advance ways and means of cooperation. That should not be misinterpreted as a way of extricating the international community from the problems of the continent but, rather, as evidence of its firm conviction that Africa needs home-grown solutions to its problems. The goal should be to establish efficient partnerships and an equitable division of labour between the United Nations and African organizations.

30. For many speakers, relations between the United Nations and the African Union must now develop in an institutional framework that should eventually equip the collective security system with a genuine regional pillar provided with adequate resources for diplomatic and military intervention. The AU prepared for this by setting up a Peace and Security Council, which the international community welcomed, and by creating a standby force. Coordination with regional conflict management machinery in Africa must be ensure by means of regular reports on activities and networks for exchange of information, which would provide the Council with reliable and timely information to facilitate rapid decision-making.

II- The Policy Forum held on 13 June 2005

31. The Policy Forum held on the topic "Enhancing the UN's Capacity for Conflict Prevention: The Role of the Security Council" held on 13 June 2005 was organized in cooperation with the International Peace Academy and the Center on International Cooperation of the New York University. It focused on the identification of constraints which impeded the UN in playing an active and efficient role in the management of crises and in the prevention of their escalation into armed conflicts. The report of the Policy Forum is attached as Annex II.

32. The following keynote speakers addressed the Forum:

- **Professor Barnett R Rubin**, Director of Studies and Senior Fellow, Center on International Cooperation, New York University, spoke on current issues related to: "Assessment of the Possibility for the Security Council to involve in conflict Prevention Activities";

- **Professor Ibrahim Gambari,** Under-Secretary-General and Special Advisor to the UN Secretary-General on Africa, addressed current issues related to: "Promotion of the role of mediation as a tool for Conflict Prevention and Resolution in Africa: the role of the United Nations and of the Security Council";

- **Mr. Tuliameni Kalomoh,** Assistant Secretary-General addressed current issues related to "Institutional approach to the United Nations Role in settlement of crises and conflict and post conflict peacebuilding in Africa: The practicality of the Peacebuilding Commission for the future of Africa".

33. The above-mentioned presentations were followed by questions answers with active participation of the Members of the Working Group and Invitees from the wider United Nations Membership. The policy forum revealed a gap in the implementation of the UN Charter, mainly the possibility and the need for the Security Council to be active in the field of conflict prevention. In this purpose the analytic capacity of the Secretariat should be enhanced, as well as the capacity of the international community to act quickly to respond to early warnings to prevent the escalation of crises into violent conflict. A stronger interagency coordination and larger cooperation with regional and subregional actors are required. The Forum highlighted the need to devise coherent strategies embracing the three types of conflict prevention defined The Security Council should contribute through its regulatory activities to reduce the global level of violence.

34.The conclusions of that Policy Forum were crystallized in the Resolution 1625 (2005) adopted by the Head of States at the Security Council Summit on 14 September 2005 on Conflict Prevention, in particular in Africa. The mentioned Resolution was not negotiated at the level of the Working Group since it was intended to establish a general framework for conflict prevention taking into account African realities. But it has been achieved only owing the materials gathered by the Working Group. It is understandable that the Working Group claims an active role in the follow up of its implementation and has decided to hold as a priority matter two seminars, one on the Cooperation between the UN and the African regional organizations and the second on the "Formulation of comprehensive and coherent strategies for Conflict Prevention and Resolution in Africa in the framework of the implementation of the Resolution 1625 (2005) of 14 September 2005". While the first mentioned seminar was successfully organized in December 2005, the second remains an urgent task for the Working Group and should be organized as soon as possible in close cooperation with the United Nations Secretariat under the leadership of the incoming Chairperson of the Working Group.

III- The seminar on the Cooperation between the UN and the African Regional Organizations in the field of Peace and Security held on 15 December 2005

35. The Seminar held on 15 December 2005 was organized with the active support of the Secretariat and was successfully carried out with its active intellectual participation. It gave an invaluable opportunity for a deep insight in the topic with such prominent contributions as that of the Chairperson of the Commission of the African Union Commission, HE. Mr. Alpha Oumar KONARE, the President of the Security Council, HE. Sir Emyr JONES PARRY, and the Assistant Secretary General for Peacekeeping Operations, HE. Mr. Hedi ANNABI. We were able to attract to the Seminar well-known civil society figures such as Mr. Vasu GOUNDEN, Founder and Executive Director of the African Center for Constructive Resolution of Disputes who came from South Africa and Mr. Paul Van TONGEREN, Executive Director of the European Center for Conflict Prevention, and Head of the Secretariat of the Global Partnership for the Prevention of Armed Conflicts. He is based in the Netherlands.

36. A comprehensive report of Seminar is available as a document of the Security Council. An abstract is attached as annex I. Rightly, this seminar made clear that the African Peace and Security Architecture is shaped as an integrated structure composed of subregional mechanisms and is entitled to be part and parcel of the global collective security system established by the United Nations Charter.

37. The subregional mechanisms still have to be harmonized. It was suggested that this harmonization could be achieved through the adoption of the model of Economic Community of West African States (ECOWAS) which is the most elaborated and the most advanced beside umbrella mechanisms of the African Union. The report presents also critical undertakings for the reinforcement of the African Peace and Security Architecture, the principles and the priorities of the cooperation in the field of peacekeeping, the recommendations regarding the rules for the use of force and the full integration of the African PSA in the system of collective Peace and Security established by the UN Charter, as well as the structuring and the streamlining of the cooperation and the capacity building.

CONCLUSION

38. The Working Group has made during the year 2005 an active contribution in forging a larger consensus on the need to develop a culture of proactive prevention of conflict before conflict and of relapse into conflict. One of the major achievements is the adoption of the Resolution 1625 (2005), which should be thoroughly implemented. The Working Group has also strongly promoted the idea of the establishment of the Peacebuilding Commission and can take pride in its creation and operationalization. As such the Working Group could serve as a forum for a deeper analysis of the implications of the Peacebuilding Commission for the Security Council.

New York, 30 December 2005

(*Signed*) **Simon B. IDOHOU**
Chairman of the Security Council Ad Hoc Working Group
On Conflict Prevention and Resolution in Africa

ANNEX I

SECURITY COUNCIL AD HOC WORKING GROUP ON CONFLICT PREVENTION AND RESOLUTION IN AFRICA

Seminar on "Cooperation between the United Nations and the African Regional Organizations in the field of Peace and Security"

New York, UNHQ, ECOSOC CHAMBER, 15 December 2005

REPORT OF THE SEMINAR

INTRODUCTION:

1. In the framework of the implementation of its Programme of Work for the year 2005, the United Nations Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa chaired by the HEM. Simon Bodéhoussè IDOHOU, Permanent Representative of the Republic of Benin, held on 15 December 2005, in the ECOSOC Chamber, a seminar on the topic "**Cooperation between the UN and the African Regional Organizations in the field of Peace and Security**". The Concept paper is attached as Annex I.

2. The seminar was co-chaired by the Chairman of the Working Group, by HE Professor Ibrahim GAMBARI Under-Secretary-General for Political Affairs and by HE. Ambassador Michel DUCLOS, Deputy Permanent Representative of France replacing HE Mr. Jean-Marc de la SABLIERE Ambassador Extraordinary and Plenipotentiary, Permanent Representative of France.

3. The Seminar was open to all Members of the United Nations and Agencies, Programmes and Funds of the United Nations and NGOs and other Organizations of the Civil Society. Three major items were examined:

- **Presentation of the African Mechanism (s) for Peace and Security**;
- **African Mechanism(s) for Peace and Security in the framework of the collective peace and security system established by the UN Charter;**
- **Capacity building for the African Mechanism(s) for Peace and Security** .

4. During the Seminar the participants heard and discussed a keynote statement of President Alpha Oumar KONARE, Chairperson of the African Union Commission delivered by Prof. R. Omotayo OLANIJAN, Ag. Permanent Observer of the African Union. Statements were made by three following Speakers:

- H.E. Sir Emyr JONES PARRY, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, President of the Security Council;
- H.E. Mr. Hedi ANNABI, Assistant Secretary General for Peacekeeping Operations;
- Professor Margaret VOGT, Deputy Director of Africa II Division of DPA.

The Statements and comments made are attached as annex III to this report.

The followings personalities were invited and took the floor as Discussants:

- H.E. Professor Judith Mbula BAHEMUKA, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Kenya to the United Nations;
- H.E. Mr. Peter MAURER, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Switzerland to the United Nations ;
- HE Mr. Aboubacar Ibrahim ABANI, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Niger to the United Nations;
- H.E. Mr. Maged Abdelfattah ABDELAZIZ, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Arab Republic of Egypt to the United Nations;
- H.E. Mr. Jagdish KOONJUL, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Maurice to the United Nations;

- H.E. Mr. Augustine P. MAHIGA, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the United Republic of Tanzania to the United Nations;
- H.E. Mr. Michel DUCLOS, Ambassador, Deputy Permanent Representative of France to the United Nations;
- Mr. Vasu GOUNDEN, Executive Director of African Center for Constructive Resolution of Disputes (African Center for Constructive Resolution of Disputes (ACCORD -South Africa);
- Mr. Paul van TONGEREN, Executive Director of the European Center for Conflict Prevention;
- Professor Shepard FORMAN, Director of the Center on International Cooperation of the New York University.

5. Fourteen Non Governmental Organizations both from abroad and based in New York were invited to attend the Seminar.

6. The purpose of the Seminar was to assess the developments of the African peace and Security structure and the relationships with the United Nations and to workout recommendation on how to streamline them to increase efficiency both of the United Nations and the African Regional Organizations in coping with the challenges facing them in the field of peace and security. After thorough consideration of the topic the participants arrived to the following conclusions:

A- AFRICAN UNION PEACE AND SECURITY ARCHITECTURE

7. The essence of the Peace and Security Architecture (PSA) a is to place the entire Continent under a permanent observation and interpretation of any signals that may be symptomatic of a simmering crisis, with the potential to explode into a disruptive conflict, whereby those signals will then trigger off remedial action, in short early detection and timely and effective intervention to deal with crises and conflicts. Emphasis is also placed on the need to promote democratic political and economic governance: The PSA comprises following components:

- the Peace and Security Council;
- the Chairperson of the Commission of the African Union;
- the Panel of the Wise representing a moral lever for preventing and resolving conflicts;
- Continental Early Warning System;
- Peace Fund (Provision of resources to carry out interventions)
- African Standby Force composed of regional brigades and the Military Staff Committee;
- Regional Mechanisms of Regional Economic Communities (REC). The REC have

B- CRITICAL UNDERTAKINGS FOR REINFORCEMENT OF THE AFRICAN PAECE AND SECURITY ARCHTECTURE

8. The critical undertaking of the Peace and Security Council and the related structures identified by the Chairperson are as follows:

- The anticipation and prevention of conflicts;
- The promotion and the implementation of peacebuilding;
- The development of a common defense policy for the Union;
- The coordination and harmonization of continental efforts in preventing and combating of terrorism; and
- The promotion and encouragement of democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms;
- The strengthening of the capability to launch peacekeeping operations to deal with blown out conflicts in all their dimensions (refugee flows, internally displaced persons, humanitarian services etc.).

C- RULES FOR THE USE OF FORCE AND THE FULL INTEGRATION OF THE AFRICAN PEACE AND SECURITY ARCHITECTURE IN THE SYSTEM OF COLLECTIVE PEACE AND SECURITY ESTABLISHED BY THE CHARTER

9. African regional and sub-regional organizations had set new norms on the parameters for international engagement in conflict situations, especially in civil-war contexts and in situations where a State was unable or unwilling to perform its role and responsibility. The legal instruments establishing the PSA and the regional mechanisms defined the principles and a new set of rules devised to meet the challenges facing the continent which the UN should take notice of. It was clearly stated during the seminar that those rules go beyond the Charter in setting up a more voluntarist proactive approach. In this spirit the African mechanisms established the responsibility to protect. It was emphasized that African states went as far as to accept the intervention in case of unconstitutional change of government.

10. The Additional Protocol relating to Democracy and Good Governance stated some revolutionary principles emphasizing the interdependency between peace and security, good governance and democracy in the sub-region of the ECOWAS. So for the first time in the history of international relations States have accepted a set of rules for exercising state power and determined sanctions to be applied in case of violations, therewith putting under international scrutiny questions considered as pertaining to the exclusive jurisdiction of national sovereignty as internal affairs. In this sense, especially as regards the AU and Economic Community of West African States (ECOWAS) mechanisms, the two most advanced regional frameworks which go beyond the UN Charter, in stating that the two mechanisms will be operational even without the consent of the host country, these mechanisms have given a practical expression to the concept of the "responsibility to protect".

11. The African PSA appears more and more as an integrated structure designed to be part and parcel of the global collective peace and security system established by the Charter of the United Nations. The new African mechanisms all called for their mandate to be endorsed by the Security Council. But the African Union would be ready in certain circumstances to proceed without the endorsement by the international community taking into account the new norms established by in the framework of the PSA. The responsibility to protect in principle rests primarily on national states. The international community should help states fulfill it and starts thinking of exercising this responsibility only when states are unwilling or unable to do that.

12. In this regard, the participants agreed on following recommendations:

- The UN should embrace the normative evolution in Africa and seek a framework to integrate the African Peace and Security Architecture and its new norms within the international legal framework and the system of collective Security established by the UN Charter;
- Mechanisms should be established to ensure clear and direct communication between the new organs established and the UN and to maintain regular exchange of information;
- A closer cooperation and a structured relationship should be established between the UN Security Council and the African Union Peace and Security Council. The United Nations Security Council and the African Union Peace and Security Council could hold joint meetings. In this sense the African Union could be requested to provide regular reports on its activities and those of its subregional organizations in the field of peace and security. The Security Council should insist on periodic reports and review to allow for a collective review of progress made in the implementation of given mandates and a transparent determination of when responsibility for the managements of such operations should be transferred to the United Nations or to a coalition of the willing;
- The AU should define more clearly how it will relate to its subregional organizations; the African Union should remain the coordination center giving mandate to the subregional Organizations;
- The United Nations Secretariat should seek to develop a wider menu of arrangements that would allow closer interaction with the African regional mechanisms and would enable the UN to work with the region at much earlier stage of conflicts;
- The Security Council should support countries in difficulties and wanting assistance before the emergence of a conflict. They stressed that the Security Council, in cooperation with regional organizations, should better use and implement Security Council resolution S/RES/1625 (2005) adopted by the Summit of the Security Council on

14 September 2005, on the prevention of conflicts, in particular in Africa and do so while taking into account the Resolution 1631 (2005).

- Severe human rights abuses should be seen as "a threat for bigger problems" and addressed at early as possible; The African Union has demonstrated commitment in tackling the spectrum of conflict in Africa by putting itself a bit forward.

D- PRINCIPLES AND PRIORITIES OF THE COOPERATION IN THE FIELD OF PEACEKEEPING

13. The participants outlined following principles and priorities for the cooperation between the UN and the African Regional Organizations in the field of peace and security:

- African states and regional organizations should be involved in a true international partnership, which would have to be coordinated through the UN;
- Cooperation should go beyond peacekeeping and peacebuilding to include conflict prevention and resolution, by focusing on social and economic problems in the region stemming from lack of development and distribution of resources, on political tensions due to marginalization non-participation in the political system, and on environmental problems such as famines and droughts which tended to exacerbate the already existing social, economic, and political challenges. They should be included in the international approach to African conflicts; a particular attention should be given to youth and unemployment problems on the African continent.
- The enhancement of regional capacity is and should be pursued as "strategic priority";
- Equal importance should be attached to military preparedness and to capacity-building for the civilian components of peace operations;
- Regional and UN efforts should be mutually reinforcing rather than duplicative or competitive, in order to maximize efficiency. The comparative advantages of various organizations should be properly identified; it is imperative to avoid on the one hand, treating the African states as "sub-contractors" of the UN, and on the other hand, putting all of the responsibility on the Africans themselves; Strengthened regional capacities should reinforce the collective approach, and thus not diminish the global responsibility in promoting peace and security;
- The cooperation should also focus on improving early warning, mediation and negotiation skills, preparedness to respond to emergencies, peace support with a particular emphasis on civilian issues, and peacebuilding, addressing issues such as security sector reform and institution building;
- Peace consolidation should be seen as the next big challenge for the continent. In that regard, the envisaged Peacebuilding Commission would present the right forum to assist countries emerging from armed conflicts. Hence one of the main tasks of the UN today should be to prevent the reoccurrence of conflicts in Africa, prevention strategies should include peacebuilding.
- The UN should organize a "multi-stakeholder conference" in 2010 on "conflict prevention, peacebuilding and development". That conference should focus on a "coherent and integrated approach on the prevention of armed conflict".

E- STRUCTURING AND STREAMLINING OF THE COOPERATION

14. The participants stressed the need to take following recommendations into account as regards the structuring and the streamlining of the cooperation:

- Enhanced cooperation between AU and UN on early warning mechanisms;
- Greater recognition of the role of mediators through full support to the Panel of the Wise;
- Redefinition of cooperation between UN and AU as regards common interests;
- Consideration of modalities and mechanisms for joint meetings of Regional Councils; and
- Establishment of a UN-AU Joint Task Team for post-conflict reconstruction;
- synchronization of external support according to the stage of development reached by each specific region;
- Shift in the logistic assistance from just training to actual and material support;

- Creation of a AU liaison desk at the UN to ensure constant linkages between the two organizations on African warning mechanisms;
- Enhanced cooperation between the UN Security Council and the AU Peace and Security Council; and
- Greater attention to subregional organizations;
- Harmonization of the structure of the subregional mechanisms to enable the logical arrangement of regional brigades and cooperation between regional economic communities; whereby ECOWAS, can provide a useful model along which the support from the international community to the African continent can be channeled;
- Ascertaining of the African Union role as a coordination center giving mandate to the subregional Organizations
- Maintaining the "centrality" of the UN in the strengthening of the cooperation between the UN and regional organization.

F- CONCRETE STEPS TO SUPPORT THE AFRICAN PEACE AND SECURITY ARCHITECTURE - CAPACITY - BUILDING

15. The participants identified following steps to be implemented in order to support the African peace and security architecture:

- Equipping the AU and the Regional Economic Communities (REC) with appropriate management capability for peace and security operations;
- Putting in place a reliable early warning capacity taking into account the contribution of civil society;
- Establishing appropriate organizational (less bureaucratic) to manage the processes dealing with crises and conflicts ;
- Effective mobilization of financial and logistical resources, with emphasis on internal resource mobilization;
- Enhancing the role of civil society in peace education and promotion of a culture of peace;
- Ensuring operational complementarities with the UN;
- Creating enabling conditions for the private sector;
- A more proactive role of the UN in coordinating with other international institutions in order to stimulate and not to substitute regional initiatives ;
- Considering Impact assessment on peace building and human rights as an essential tool for fundraising;
- Increase of soft tools as essential elements to enhance peace and security (i.e. training of civilians and the establishment of international standards for military and humanitarian operations);
- Improvement of UN good offices capacities to better support capacity building at the regional level; and
- Development of closer partnerships with civil society, NGOs and national parliaments;
- Training and provision of equipments and the institutional capacity building;
- Avoiding duplications;
- Sharing and replicating good practices;
- Funding of the implementation of the proposal by King's College in London to set up a training program for young Africans, intended to provide a clear focus on the relationship between security, human rights, and development, and to endow the African regional organizations with adequate human resources.

Conclusion:

16. The seminar made clear that the African Peace and Security Architecture is shaped as an integrated structure composed of subregional mechanisms and is entitled to be part and parcel of the global collective security system established by the United Nations Charter. The subregional mechanisms still have to be harmonized. It was suggested that this harmonization could be achieved through the adoption of the model of Economic Community of West African States (ECOWAS) which is the most elaborated and the most advanced beside umbrella mechanisms of the African Union. A particular attention should be paid to the critical undertakings for the reinforcement of the African Peace and Security Architecture, the principles and the priorities of the cooperation in the field of peacekeeping, the recommendations regarding the rules for the use of force and the full integration of the African PSA in the system of collective Peace and Security established by the UN Charter, as well as the structuring and the streamlining of the cooperation and the capacity building.

ANNEX II
SECURITY COUNCIL AD HOC WORKING GROUP ON CONFLICT PREVENTION AND RESOLUTION IN AFRICA

Policy Forum Concept: **"Enhancing the UN's Capacity for Conflict Prevention: The Role of the Security Council."**

(in cooperation with the International Peace Academy and the Center on International Cooperation of the New York University)

New York UN Headquarters, Trusteeship Council Chamber,
13 June 2005

REPORT OF THE POLICY FORUM

1. The Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa held a Policy Forum at the United Nations Headquarters, on 13 June 2005 on the topic "'Enhancing the UN's Capacity for Conflict Prevention in Africa: The Role of the Security Council." The Meeting was chaired by Mr. Jean –Francis R. ZINSOU as Chargé d'Affaires a.i. of the Permanent Mission, and Alternate Representative of the Republic of Benin to the Security Council, and acting Chairman of the Working Group in the absence of Ambassador Joel W. ADECHI. The meeting was attended by Delegates of the Security Council Members States, of Donor Countries, of African Countries, and Representatives of Non Governmental Organizations.

2. During the meeting the following speakers made a statement and answered questions and comments made by the participants:

Professor Barnett R. Rubin, Director of Studies and Senior Fellow, Center on International Cooperation, New York University, addressed current issues related to: "Assessment of the possibility for the Security Council to be involved in Conflict Prevention Activities ";

Professor Ibrahim Gambari, Under-Secretary-General and Special Advisor to the UN Secretary-General on Africa, addressed current issues related to: "Promotion of the role of mediation as a tool for Conflict Prevention and Resolution in Africa: the role of the United Nations and of the Security Council";

Mr. Tuliameni Kalomoh Assistant Secretary-General addressed current issues related to "Institutional approach to the United Nations Role in settlement of crises and conflict and post conflict peacebuilding in Africa: The practicality of the Peacebuilding Commission for the future of Africa." Due to the fact that Mr. KALOMOH was on mission abroad, his statement was delivered by his Specail Assistant, Mr Musifiky **MWANASALI.;**

Mr. Myint–U Thant from the Department of Political Affairs provided concluding remarks.

3. The presentations by the above mentioned speakers stirred an interesting debate on the issues raised. There was a general consensus about the fact that Conflict prevention refers to activities developed to prevent the outbreak of violent conflicts which are consistent with other goals of the United Nations. Three types of conflict prevention were defined: operational, structural and systemic prevention.

4. The possibility for the Security Council to engage in these three types of Conflict prevention was assessed in the light of recent developments in the field. It was stressed that in order to be more efficient in the field of conflict prevention, the UN, as a whole, needs to build up an information and analytic capacity with a view to enhancing its ability to develop options for adequate action. The Member States should authorize the posting of Political Analyst in the UN Country Teams to allow for

the thorough information analysis required. The action by the Security Council depends on the availability of such appropriate information analysis. It was deemed that the Security Council could effectively involve itself in operational prevention by taking measures to affect at an early stage the decision making of the parties, by engaging in mediation activities and, if need be, by imposing sanctions on parties.

5. The need for a close cooperation with the regional and subregional organizations was underscored. Their comparative advantages should be taken into account. The efforts made by the Security Council to come up with norms and standards in this field have been welcomed.

6. As regards structural prevention which addresses the root causes of conflicts, more attention should be paid to addressing the political consequences of economic policies promoted by the International Financial Institutions. This could be effectively done in the framework of the Peacebuilding Commission. Greater attention should also be devoted to the structural determinants of conflicts.

7. In the field of systemic conflict prevention the Security Council should promote the establishment of regulatory frameworks for some activities as trade in small arms, in high value natural resources, and financial sector regulations to curb corruption and terrorism and the financial transactions to pay for conflict goods. The need to establish mechanisms to shield African countries from global commodity price shocks was underlined.

8. In general, the UN should develop common benchmarks with regard to the prevalence of violent conflicts in the world and set goals for its Member States in this regard to reduce the global level of violence.

9. As regards Africa, one main remark made is that the UN has been more successful in conflict management and in conflict resolution efforts than in Conflict prevention on the African Continent. The constraints impeding an efficient role of the UN in conflict prevention were highlighted: resistance from the part of the Member States to the kind of intrusive activities which could enhance the capacities of the UN in this field; the lack of political will to take action of preventive nature even when there are early warnings; the lack of adequate and predictable resources for peacebuilding activities, etc.

10. As regards steps to be taken for more efficient conflict prevention the following aspects were stressed: the need to fight poverty and to ensure security, to address the root causes of conflicts, a proper consideration of the regional dimension to build national, subregional and regional capabilities for conflict prevention.

11. The following principles were underscored as essential for successful conflict prevention: national ownership of conflict prevention should be ensured; conflict prevention and sustainable development should be seen as mutually reinforcing; a successful cooperation of all actors involved should be promoted. The creation of the Peacebuilding Commission was deemed of a paramount importance for conflict prevention in Africa. It was called on the African leadership to depart from ways of the past and to make conflict prevention their highest priority. The need of a larger adherence to the peer review mechanism established in the framework of the NEPAD was emphasized.

12. As regards the Peacebuilding Commission the relevance of the different clusters of issues of Peacebuilding for Africa were assessed and the comparative advantages of the PBC as a structure based in New York in relation to the activities developed on the ground were stressed. Is should promote a better coordination between the Security Council and ECOCOC to better deal with the nexus between peace, security and development. It was stressed that the institutional gap for such coordination could not be filled with ad hoc arrangements. An interaction between the UN and the regional early warning mechanisms was deemed highly desirable. The Security Council should support and help in the implementation of African solutions to the African problems.

13. The participants called for a stronger interagency coordination within the UN. They welcomed the steps taken recently by the UN in recognizing the regional linkages among conflicts in West Africa and in establishing the UN Office in West Africa

headed by a Special Representative of the Secretary General Mr. AHMEDOU OULD-ABDALLAH. The new Office should build up its capacities and receive more resources to be able to keep up with mutations of conflicts in that region.

14. In conclusion, the policy forum revealed a gap in the implementation of the UN Charter, mainly the possibility for the Security Council to be active in the field of conflict prevention. There is a large consensus in the Council as regards the need to shift from a culture of reaction to crises to the development of a culture of prevention of violent conflicts, both in pre-conflict and post conflict situation. In this purpose the analytic capacity of the Secretariat should be enhanced. A stronger interagency coordination and larger cooperation with regional actor is required, as well as the need to devise coherent strategies embracing the three types of conflict prevention defined.

ANNEX III

PROGRAMME OF WORK OF THE AD HOC WORKING GROUP ON CONFLICT PREVENTION AND RESOLUTION IN AFRICA FOR THE YEAR 2005

(CORR. 2)

EXECUTIVE SUMMARY

The Programme of work of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa is conceived to fit the high expectations the year 2005 raises in United Nations system. The Ad Hoc Working Group will address the main pending issues of general concern which are relevant for Africa in the ongoing debate on the establishment of a Peacebuilding Commission recommended by the High Level Panel on Treats, Challenges and Change and some specific topics which need to be discussed with the aim of helping to define the elements relevant for the Security Council in devising a comprehensive strategy for Conflict Prevention and Resolution in Africa. The main goal is to streamline the approach to Africa of the United Nations in general and the Security Council in particular in order to allow for a more coherent action of the United Nations in helping to solve the problems facing the continent. The conclusions of the discussions will be formulated in a draft Presidential Statement on elements relevant for the Security Council regarding the formulation of a comprehensive strategy for Conflict Prevention and Resolution in Africa.

In accordance with the recommendations made at the public meeting on the situation in Africa on 29 January 2002, the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa has been established by the Note of the President of the Security Council S/2002/207 dated 27 February 2002, which also defined the mandate and the working methods of the Working Group.

Since 2002, the Working Group has carried out its activities to implement its mandate. At the end of each year, its Chairmen have reported to the Council through letter to its President, outlining the achievements of the Working Group and its recommendations for the improvement of the approach of the Council on conflict prevention and resolution in Africa, and on the cooperation with the ECOSOC to this end.

The activities of the Working Group consisted in organizing working level informal meetings and workshops, with the participation of a wide range of speakers coming from the UN Secretariat, the Regional and Sub-regional Organizations and the Academic institutions. The Working Group has also contributed in defining the Terms of reference of various missions of the Security Council to Africa and to the assessment of ways and means to implement their recommendations.

In the year 2005, the Working Group will continue its activities in a new context characterized by the following elements:

a) The ongoing debate on the Recommendations made by High Level Panel on the "Threats, the Challenge and Change". The High Level Panel has been set up by the Secretary General in the framework of his efforts to bring forward the reform of the United Nations. It put a greater emphasis on ways and means to meet the Challenge of prevention of threats to the collective security and recommended, inter alia, the establishment of a Peacebuilding Commission, with the aim of filling up the existing institutional gap in this regard;

b) The forth coming assessment of the implementation of the Millennium Declaration and of the Millennium Development Goals for which conflict prevention and resolution play a paramount role;

c) the African Continent continues to be shaken by crisis or conflict situations in many countries. Moreover, some countries which are implementing post conflict peacebuilding processes are faced with complex difficulties and are likely to re-elapse in conflict if the international community fails to adopt a more efficient approach in its relationship with those countries.

All these elements open a wide scope of interaction with a variety of stakeholders in the efforts to reshape the United Nations and to improve its actions in the field of Conflict prevention and resolution, especially in Africa.

How can the Working Group pursue its mandate in this new context? The Working Group is expected to contribute to the ongoing debates and to try to influence the outcome of the United Nations Reform especially in its field of competence. In this frame work, it will address some general issues related the ongoing debate and some specific issues in the framework of its original mandate, with the aim of helping to define the elements relevant for the Security Council in devising a comprehensive strategy for Conflict Prevention and Resolution in Africa in order to streamline the approach to Africa of the United Nations in general and the Security Council in particular.

1- The General issues related with the ongoing debate

1.1- the relevance of the distinction between conflict prevention and post-conflict peacebuilding and the relevance for the Security Council approach to Africa in the maintenance of peace and security. The relevance of international mediation in the Conflict Prevention and Resolution in Africa;

1.2- the role of regional and sub-regional organizations and their relationship to the UNSC regarding the threat of the use of force and the use of force; the relationship between the United Nations and regional and sub-regional mechanisms of Conflict Prevention and Resolution in the light of recent developments;

1.3- Institutional Coordination of the Response to crises and conflict situations in Africa.

2- The Specific issues

2.1- The promotion of Democracy and good Governance in Africa in the framework of Conflict Prevention and Resolution: a comprehensive approach to the challenge of a functioning and efficient state;

2.2- Regional approach to Programmes of Disarmament, Demobilization and Reinsertion and the Financing of Rehabilitation and social Reintegration of former combatants as a challenge for peacebuilding in Africa;

2.3- The fight against impunity and the protection of human rights in Africa – Assessment of the consistency and of the capacity of the judicial systems to deal with the Challenge of serious crimes;

2.4- Case studies and definition of terms of reference for Security Council missions in certain African Countries (interaction with the Group of Friends and Contacts Groups operating in the United Nations);

2.5- The formulation of a comprehensive and coherent strategy for Conflict Prevention and Resolution in Africa;

2.6- Formulation of a United Nations sub-regional pilot project for the implementation of the strategy.

3. Definition of Activities and Chronogram of Action

The consideration of the above mentioned general and specific issues will require a wide range of activities including closed meetings of the Working Group, interaction with relevant external stakeholders and partners, in

the framework of informal meetings or workshops as well as open debates to be organized by the Security Council with the participation of other organs and agencies of the United Nations.

- **Activities for the first Semester**

During the first semester the Working Group will focus on the general issues while continuing as necessary its interaction with stakeholder and other competent speakers to their convenience.

3.1- Holding of closed meetings

- March – April 2005, discussion and adoption of the Programme of Work of the Working Group;
- Identification of speakers and institutions willing to contribute to the implementation of its Programme of Work;
- Preparation of the first open event of the year.

3.2- Holding Informal meetings with guest speakers on the general issues

The Working Group will identify qualified speakers for an exchange of view of the general issues in order to deepen its understanding of the problems to be addressed. The Working Group will make as appropriate arrangements with the Secretariat so as to have whenever it is possible a meeting with Special Representatives of the Secretary-General in African countries so as to exchange views on ways and means to improve conflict prevention and resolution in Africa.

3.3- Staging of two open activities in the first semester

In the first semester the working Group shall focus on the consideration of the General issues and will work out recommendations for the United Nations System as a whole and with specific attention to the work of the Security Council and carry the assessment of ways and means to implement them. To this end, the Working Group will organize two workshops. The working group will hold a workshop on the general issues will be held.

- **Activities in the second semester**

3.4- Consideration of the chronogram of Action for the second Semester

The Working Group shall hold at the beginning of July a closed meeting to assess the implementation of its programme of work during the first semester and adopt the schedule of work for the second semester.

3.5- The activities to be performed during the second semester

During the second semester the Working Group will carry on meetings with guest speakers and will in particular address systematically the specific issues identified in paragraph 2. In this framework, it will organize informal meetings and work out a theme for one or two workshops in order to identify best practices to be taken into account in a comprehensive strategy for Conflict Prevention and Resolution in Africa and reflect on ways and means to implement them at the regional and subregional level. After the September Summit, it will stage an open meeting in the Security Council to discuss items relevant from the perspective of the Security Council to be taken into account in a comprehensive Strategy for Conflict Prevention and Resolution in Africa. The Working Group will prepare the Presidential statement reflecting the main conclusions of the discussions on a comprehensive strategy for Conflict Prevention and Resolution in Africa.

3.6- Discussion of relevant items for a Strategy and Presentation of the United Nations Pilot project for the implementation of the Strategy

The Working Group will examine in close liaison with the Secretariat elements relevant from the perspective of Security Council for a comprehensive strategy of conflict prevention and resolution in Africa and ways and means to implement such a strategy at the regional or subregional level, taking into account the comparative advantages of the regional and subregional organizations existing in Africa.

3.7- Preparation, adoption and presentation of the yearly report of the Working Group

The Working Group shall hold as necessary closed meetings to elaborate its end of year final report and adopt it for presentation during the public meeting of the Security Council in the third week of December 2005.

United Nations S/2005/834

Security Council

Distr.: General
28 December 2005

Original: English

Letter dated 22 December 2005 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union (AU), I have the honour to forward herewith a press release on the AU-led assessment team in Darfur, issued on 15 December 2005 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Aminu Bashir **Wali**
Ambassador
Permanent Representative of Nigeria to the United Nations
Representative of the Current Chairman of the African Union

05-66531 (E) 040106

Annex to the letter dated 22 December 2005 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

Press release

African Union-led assessment team concludes its tour in Darfur

The African Union (AU)-led assessment team, which arrived at force headquarters on 10 December 2005, has concluded its business after visiting all the eight African Union Mission in the Sudan (AMIS) sectors across Darfur. The team, which was led by Ambassador Baba Gana Kingibe, the Special Representative of the Chairperson of the Commission of the African Union, included representatives of troop-contributing countries from the Gambia, Nigeria, Rwanda and Senegal as well as members of the Darfur Integrated Task Force (DITF) from the AU headquarters in Addis Ababa. AU partners, notably Canada, the European Union, Norway, the United Nations and the United States of America, also participated in the assessment mission. In accordance with its terms of reference, the assessment mission undertook an in-depth and critical review of the operations of AMIS, assessed the implementation of the recommendations of the previous assessment mission (10 to 20 March 2005) and evaluated the prevailing security situation in Darfur.

The delegation was briefed in all the sectors located at Al Fasher, Nyala, Geneina, Kabkabiya, Tine, Zalingei, Ed Da'ein and Kutum as well as in some group sites. The briefings were largely focused on matters of security, military and police aspects, administration, communications, logistics and the general situation on the ground across the mission area. Constraints, challenges and problems facing AU troops and civilian police were discussed and analysed in order to enhance the future performance of AMIS. The team was also briefed by the Office for the Coordination of Humanitarian Affairs and PAE Government Services, Inc.

The presence of AMIS has contributed to reducing the number of ceasefire violations and afforded some level of protection for the delivery of humanitarian assistance. Furthermore, the "firewood patrols" and field sorties of AMIS have enabled internally displaced persons to cultivate and harvest crops in certain areas of Darfur, and this, together with a sustained humanitarian effort by the international community, has considerably reduced malnutrition and mortality rates in Darfur. Several AMIS commanders have also engaged in local reconciliation efforts ("military diplomacy"), thus contributing to reducing tensions and to preventing many incidents. The deployment of the civilian police component of AMIS, which has started 24-hour operations in some locations, has also helped to improve significantly the security in the camps for internally displaced persons and their immediate vicinity.

The team noted, however, that the prevailing security situation does not allow for the return of internally displaced persons and refugees in any significant numbers. Banditry, harassment of civilians and tensions and skirmishes between ethnic communities are rife throughout Darfur and remain an unresolved security challenge.

The team paid tribute to the fallen Nigerian soldiers who were the victims of a tragic unprovoked bandit attack last October in the Khor Abeche area in Southern Darfur. The team also expressed its sympathy with the Senegalese soldiers injured near the Chadian border in the course of an ambush by rogue elements of a splinter group of one of the rebel movements.

The delegation noted that AMIS personnel, whose total strength as at 13 December 2005, stood at 6,932 (5,623 military personnel and 1,309 civilian police), were conducting their tasks with increasing effectiveness and great commitment.

The findings of the assessment mission will form the basis of recommendations the AU Commission will make to the AU Peace and Security Council early in January 2006 on how to further enhance the effectiveness of the AU forces in Darfur and to provide pointers to the way forward.

United Nations S/2005/835

Security Council

Distr.: General
28 December 2005

Original: English

Letter dated 22 December 2005 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union (AU), I have the honour to forward herewith the statement of the spokesman of the African Union mediation for the inter-Sudanese peace talks on the conflict in Darfur on the recent attack on Abu Sarouj village in Western Darfur, issued on 21 December 2005 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Aminu Bashir **Wali**
Ambassador
Permanent Representative of Nigeria to the United Nations
Representative of the current Chairman of the African Union

05-66537 (E) 030106

Annex to the letter dated 22 December 2005 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

Statement of the spokesman of the African Union mediation for the inter-Sudanese peace talks on the conflict in Darfur on the recent attack on Abu Sarouj village in Western Darfur

The African Union Special Envoy for Darfur and Chief Mediator, Dr. Salim Ahmed Salim, is utterly outraged by the attack on Abu Sarouj village in Western Darfur, which took place on the morning of Monday, 19 December 2005. He unequivocally condemns the unwarranted brutal killings of numerous innocent civilians, including women and children, and the destruction of their homes and property by armed militia members.

Dr. Salim considers this attack particularly deplorable as it has come at a time when intensive efforts are being made to negotiate a peaceful settlement to put an end to the conflict, and thus end the suffering of the people of Darfur.

The Special Envoy stressed that the perpetrators of these atrocious and murderous acts should be made to face the full force of the law. In this respect, he urged the Sudanese authorities and others concerned to take appropriate measures to ensure that justice is done.

At the same time, Dr. Salim called upon the Government of the Sudan and all the parties to the conflict to exert all the necessary effort to ensure the protection of the civilian population in Darfur.

United Nations A/60/638–S/2005/836

General Assembly
Security Council

Distr.: General
28 December 2005
English
Original: Arabic

General Assembly
Sixtieth session
Agenda item 14
The situation in the Middle East

Security Council
Sixtieth year

Identical letters dated 28 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government I wish to inform you of the following:

1. At 4.20 a.m. on 28 December 2005 two Israeli warplanes attacked the Na'imah district, situated south of the capital, Beirut, far into Lebanese territory, firing two air-to-ground missiles at the said area. In addition, six Israeli warplanes violated Lebanese airspace, from Naqurah in the south to the city of Tripoli in the north, reaching as far as Rashayya and Hasbayya in eastern Lebanon, where they carried out mock attacks;

2. These violations, committed within the context of constant, near-daily Israeli violations of Lebanese sovereignty and the Blue Line, jeopardize international security and peace and thus require on the part of the Security Council a tough stance with respect to Israel in order to call a halt to such acts of aggression;

3. As for the firing in the direction of the area south of the Blue Line, the competent authorities are conducting an investigation to ascertain the perpetrators. The Government of Lebanon is determined to prosecute them and to use its best efforts to prevent the repetition of such acts in the future.

I should be grateful if you would have this letter circulated as a document of the General Assembly under agenda item 14 and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

05-66612 (E) 291205 291205

United Nations A/60/639–S/2005/837

General Assembly
Security Council

Distr.: General
28 December 2005

Original: English

General Assembly
Sixtieth session
Agenda items 14 and 108

The situation in the Middle East

Measures to eliminate international terrorism

Security Council
Sixtieth year

Identical letters dated 28 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

It is with great dismay that I report that yet another terrorist attack was perpetrated against the citizens of Israel.

Yesterday, on 27 December 2005, terrorist organizations operating in southern Lebanon fired at least nine 107 millimetre rockets, some Katyusha rockets, towards Israeli towns and communities in northern Israel, making direct hits onto houses and apartment buildings, creating extensive damage and generating fear among residents.

Two rockets landed in Kiryat Shmona; one landed on a staircase of a three-story apartment building and another completely destroyed a living room of a house. Other rockets landed in an open field near the *kibbutzim* Chanita, Yaara and Matsuba, near the Lebanese border. Two other rockets landed in Lebanese territory. As a result of these deplorable attacks, four individuals had to be treated for shock, and residents throughout the north were forced to flee into bomb shelters. It is only by chance that the number of casualties was not significantly higher.

These grave incidents underscore once again the urgent need of the Lebanese Government to fulfil its obligations, as set out in Security Council resolutions 425 (1978) and 1559 (2004), to prevent further terrorist attacks emanating from Lebanon and employ full jurisdiction over its territory up to the blue line. Israel cannot tolerate the targeting of its citizens in terrorist attacks originating from a neighbouring country.

Israel calls on the international community to strongly denounce the continuation of terrorist attacks, including those emanating from Lebanese territory, and to see to it that the Government of Lebanon takes immediate steps to prevent further terrorist attacks.

05-66618 (E) 291205

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the sixtieth session of the General Assembly, under agenda items 14 and 108, and of the Security Council.

(*Signed*) Ambassador Daniel **Carmon**
Chargé d'affaires a.i.

United Nations S/2005/838

Security Council

Distr.: General
29 December 2005

Original: English

Letter dated 22 December 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1626 (2005) of 19 September 2005, by which the Council authorized the United Nations Mission in Liberia (UNMIL), subject to the consent of the troop-contributing countries and the Government of Sierra Leone, to deploy up to 250 United Nations military personnel to provide security for the Special Court for Sierra Leone. By the same resolution, the Council authorized a temporary increase in the UNMIL personnel ceiling, to a total of 15,250 United Nations military personnel for the period from 15 November 2005 to 31 March 2006 in order to ensure that the support provided to the Court does not reduce UNMIL capabilities during the phase of political transition in Liberia.

Following the usual consultations, it is my intention to include Mongolia, which has agreed to provide a military contingent for the protection of the Special Court for Sierra Leone, on the list of countries contributing troops to UNMIL.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-66636 (E) 291205

United Nations S/2005/839

Security Council

Distr.: General
29 December 2005

Original: English

Letter dated 28 December 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 22 December 2005 (S/2005/838) concerning your intention to add Mongolia to the list of countries contributing troops to the United Nations Mission in Liberia (UNMIL) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Emyr **Jones Parry**
President of the Security Council

05-66630 (E) 291205

United Nations S/2005/840

Security Council

Distr.: General
29 December 2005

Original: English

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith to the Security Council the report of the Board of Auditors on the implementation of its recommendations relating to the United Nations Compensation Commission for the biennium 2002-2003.

05-66812 (E) 060106

Report of the Board of Auditors on the implementation of its recommendations relating to the United Nations Compensation Commission for the biennium 2002-2003

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I. Introduction

1. The present report, updated as at 31 July 2005 summarizes the implementation of the recommendations made by the Board of Auditors in its report on the financial statements for the biennium 2002-2003 of the United Nations Compensation Commission.[1]

2. Prior to the biennium 2002-2003, the financial statements of the United Nations Compensation Commission (UNCC) were included in the financial statements of the United Nations. Their audit and its follow-up had been included in the corresponding reports of the Board[2] and of the Administration.[3] Since the biennium 2002-2003, the financial statements of UNCC have been separate, and in July 2004 the Board provided such a report to the Security Council for the first time.

3. Consequently, the Board of Auditors is issuing the present report on the implementation of its recommendations relating to UNCC for the biennium 2002-2003 in parallel with its report to the General Assembly on the financial statements of the United Nations and its funds and programmes (see A/60/113).

4. In its resolution 52/212 B of 31 March 1998, the General Assembly emphasized that primary managerial responsibility and accountability for the implementation of the recommendations of the Board of Auditors should remain with department heads and programme managers. In the same resolution, the Assembly accepted the recommendations of the Board of Auditors for improving implementation of the recommendations approved by the Assembly, subject to the provisions contained in the resolution, namely:

(a) The need for specification of timetables for implementation of recommendations;

(b) The disclosure of office holders to be held accountable;

(c) The establishment of an effective mechanism to strengthen oversight in regard to the implementation of audit recommendations. Such a mechanism could be in the form of either a special committee comprising senior officials or a focal point for audit and oversight matters.

5. The present summary report addresses recommendations under implementation or not implemented. Accordingly, recommendations that have been confirmed by the Board to have been implemented are not mentioned except in paragraph 8 below.

II. Comments by the Board of Auditors

6. On 9 July 2004 the Board of Auditors transmitted its report[1] to the Administration for the Security Council. The Governing Council of UNCC put the consideration of the report on its agenda in December 2004, but did not discuss its content until its session held from 28 to 30 June 2005. UNCC explained that this delay was due to the request made by some delegations at the December 2004 meeting, and by the Board of Auditors, to have the report translated into the official languages of the United Nations. Since the Governing Council's decision may have an impact on the UNCC secretariat's actions, this delay may not have been conducive to proper governance and accountability, nor to an effective implementation of its recommendations.

7. This concern is illustrated by the fact that UNCC has not always specified timetables for the implementation of recommendations, and began only in March 2005 to convene a meeting that could provide an oversight mechanism in line with General Assembly resolution 52/212 B relating to elements (a) and (c) listed in paragraph 4 above. UNCC considered that those recommendations that it had accepted had been implemented in a timely fashion and that, contrary to the Board's assertion, UNCC had always had an oversight mechanism in place with respect to the implementation of audit recommendations, namely the Governing Council. UNCC also indicated that the Governing Council, having considered and noted the Board's recommendation to consider the appropriateness of establishing an audit committee, had not been inclined to create a formal audit committee, although it had established an informal committee to oversee the examination of potential duplicate awards in categories A and C. **The Board notes that this informal oversight committee has a limited scope, which is different from that of other oversight committees established in the United Nations system, and will revert to the matter at its next audit.**

8. The Board's findings are as follows:

(a) Eight (40 per cent) of its 20 recommendations had been implemented by June 2005; however, for two of them considered implemented by UNCC the Board had not yet validated the implementation;

(b) Nine (45 per cent) remained under implementation; for three of them considered under implementation by UNCC the Board had not yet validated the degree of implementation;

(c) Three (15 per cent) had not been implemented.

9. The General Assembly, in paragraph 12 of its resolution A/59/272, reaffirmed "the importance of effective coordination, in the implementation of their respective mandates, between the Joint Inspection Unit, the Board of Auditors and the Office of Internal Oversight Services, in order to maximize the use of resources and share experiences, knowledge, best practices and lessons learned". The Board is glad to report that, in the matter of implementation of recommendations as well as in other areas, synergy has continued to be fully achieved with the Office of Internal Oversight Services.

1. Recommendations considered implemented, but not yet validated by the Board

10. **In paragraph 36 of its report to the Security Council,**[1] the Board had recommended that the UNCC secretariat draw attention to the lack of a decision by the Governing Council on the matter of interest on awards of compensation.

11. **Comment of the Administration.** In response, the UNCC secretariat advised the Board that the Governing Council had taken a decision on interest on awards of compensation at its March 2005 session. In its decision 243, the Governing Council, having regard to the language of its decision 16, determined to take no further action with respect to the issue of awards of interest. The UNCC secretariat noted that neither claimants nor claimant Governments had the power to compel the Governing Council to set the methods of calculation and of payment of interest. While paragraph 1 of decision 16 stated that interest would be awarded "from the date the loss occurred until the date of payment", paragraph 2 provided that the Governing

Council would consider the methods of calculation and of payment of interest "at the appropriate time".

12. The UNCC secretariat mentioned that in decision 243 the Governing Council had said that there was no appropriate time to consider these matters, and that it would take no further action. The practical result is that interest will not be paid on awards of compensation. Under article 40(4) of the UNCC Provisional Rules for Claims Procedure, the Governing Council's decision is final and is not subject to appeal or review on procedural, substantive or other grounds.

13. The UNCC secretariat also commented that, moreover, the Office of Legal Affairs had confirmed in a legal opinion dated 14 June 2002 that the obligation to pay awards of compensation (including interest) was an obligation of Iraq and not of UNCC or the United Nations as a whole. That opinion, which was issued prior to decision 243, provided, inter alia, that interest that might be awarded by the Governing Council of UNCC did not constitute contingent liabilities or potential interest liabilities for the United Nations. The opinion also contemplated that the Governing Council might experience substantial difficulty in reaching a decision on the methods of calculation and of payment of interest and noted that neither Security Council resolution 687 (1991) nor any subsequent resolution of the Council approved in furtherance of its section E concerning the Compensation Fund, provided any guidance or definitely stated that interest should also be awarded.

14. The UNCC secretariat noted further that, in any event, the privileges and immunities of the United Nations would protect UNCC, the Compensation Fund and the United Nations as a whole against litigation in connection with this matter. With that decision, the secretariat considered this recommendation to be implemented and the matter to be closed.

15. **In paragraph 157**, the Board recommended that UNCC pay special attention to its information security until it closes down.

16. **Comment of the Administration.** The Information Services Section of the UNCC secretariat was mindful of the importance of information security and consistently paid close attention to this matter. In practice, security was implemented at multiple levels (such as network access, database access, application access, security functions within the applications and secure Internet access). Security accesses continued to be monitored, controlled and documented through the help-desk request system. A system update server automatically performed updates of critical system and other patches to all UNCC workstations on a weekly basis, and anti-virus patterns were updated automatically on workstations daily.

17. The UNCC secretariat also stated that it maintains a high level of security and had tightened its security policies to meet ever-increasing security demands. Stringent and professional quality security policies are implemented throughout the UNCC information systems, networks and databases. These policies are currently being updated and more completely documented in the standard operating procedures of the Information Systems Section of the secretariat, reflecting their current physical implementation, including emerging technologies that could improve the efficiency and/or security of the UNCC systems.

2. Recommendations considered under implementation as validated by the Board

18. **In paragraph 196**, the Board recommended that UNCC review, from a long-term perspective, the security and safety of its archives.

19. **Comment of the Administration.** The UNCC secretariat has given due consideration to the safety and security of records, and reports concerning safety and security conditions that have been made by the Security Services at the United Nations Office at Geneva and at Headquarters. On the basis of the findings of those reports, the UNCC secretariat made improvements in safety and security conditions in one building to the extent that it had the means to do so. Smoke detectors (linked with the security company in charge of the building and with the Swiss fire brigade) and fire extinguishers were installed in all locations. The main storage location (600 square metres in basement 4) is equipped with sprinklers and a reinforced entrance door; this location and two others will be used for storage during the biennium 2006-2007. Only Registry staff have access to these storage areas, and a security company provides surveillance outside of office hours. UNCC has requested the replacement or reinforcement of the doors to the claims storage area.

20. UNCC also noted that the basement of Villa La Pelouse is being used for the storage of archived claim files, and special safety and security measures were implemented for that location; an infrared security alarm device was installed, which is operational after office hours. The UNCC secretariat therefore considers that it has done all that it can reasonably do to secure the UNCC archives while it remains the custodian thereof.

21. **The Board has further reviewed the issue, and remains concerned by the physical security of part of the UNCC archives, as there is a lack of reinforced doors at a vulnerable entry point in a public space.**

22. **In paragraph 46**, the Board recommended that the Administration correct accounting errors and reduce the risk of such errors.

23. **Comment of the Administration.** The discrepancies between two information systems, noted in paragraph 45 of S/2004/789, in respect of payments for the Office of the United Nations High Commissioner for Refugees in Bulgaria have been corrected. In July and August 2004, meetings were held between the Claims Payment Section and the Information Systems Section to discuss the ways of reducing the risks involved. Direct integration of the two systems was not considered by the United Nations Office at Geneva to be feasible. The UNCC secretariat carried out a technical analysis in October and November 2004 which was forwarded to the United Nations Office at Geneva on 3 December 2004. It included the UNCC secretariat's observation that a direct interactive connection would be more effective in reducing delays and possible errors that could occur during batch processing. Some informal discussions took place, but a written response from the United Nations Office at Geneva remained pending as of May 2005.

24. **In paragraph 117**, the Board recommended that UNCC take further action to recover undistributed funds, in view of its completion strategy.

25. **Comment of the Administration.** UNCC continued to obtain payment distribution reports and the return of undistributed funds from Governments and

international organizations. In 2004 the Governing Council and the secretariat wrote special notes to Governments whose fulfilment of those obligations had been outstanding for more than a year. Three Governments were also invited to attend meetings of the Working Group in this regard. Two of them sent representatives in January 2005, who promised to follow up with their capitals. This matter remained on the agenda of the Governing Council.

26. **In paragraph 164**, the Board recommended that UNCC continue to maintain its comprehensive inventory of information and communication technology (ICT) assets and related supporting documentation, to ensure that their core systems and data remain accessible and available after completion of its activities

27. **Comment of the Administration.** UNCC continued to maintain, update, and enhance its ICT system and application-related documentation. Concepts were being formalized concerning the permanent archival procedures and policies for ICT-related information to ensure its appropriate availability and accessibility after the completion of UNCC activities.

28. **In paragraph 184**, the Board recommended that the United Nations decide promptly upon the completion strategy for UNCC, phases, deadlines and modalities, including: (a) the procedure for its liquidation, under an appropriate authority; (b) the transfer of remaining activities to an appropriate structure; (c) the termination deadline; (d) the deadlines for rectifications, other queries and repayments concerning awarded claims, with a view to minimizing costs while improving the overall accountability of the financial operations; and (e) the involvement at all stages of the Office of Internal Oversight Services.

29. **Comment of the Administration.** The UNCC secretariat submitted a note to the Governing Council on the phasing out of UNCC dated 11 November 2004, which has remained under consideration by the Governing Council. In addition, the Governing Council took decisions concerning the deadlines for the receipt of requests for correction pursuant to article 41 of the Provisional Rules for Claims Procedure. At its June 2005 session, the Governing Council established a final deadline of 30 September 2006 for submitting Governments with currently unlocated claimants to locate such claimants and to inform the secretariat of any claimant who was located so that the claimant could receive payment of his or her compensation award. The matter remains on the Council's agenda and will be the subject of informal meetings of the Working Group prior to the next session. In the last quarter of 2005 the Office of Internal Oversight Services was to audit the liquidation activities. It expected to cover all residual tasks of UNCC, as well as plans for future activities. The Office of Internal Oversight Services has undertaken to provide the UNCC secretariat with continuing advice on the conduct of this process.

30. **In paragraph 194**, the Board recommended that UNCC take, with the United Nations Secretariat, appropriate steps for the long-term management, guardianship and streamlined retrieval of archives.

31. **Comment of the Administration.** Document S/AC.26/SR.133 of 2 March 2004, pages 7 to 9, proves that long-term management, guardianship and streamlined retrieval have been taken into consideration by the UNCC Governing Council since March 2004. At its June 2005 session, the Governing Council approved funding to retain staff for the purpose of the implementation of the UNCC

archiving policy with respect to the records of those Panels of Commissioners and claims units that had completed their work prior to the Governing Council's approval of the policy. The secretariat has also prepared a draft access policy for presentation to the Governing Council at its next session. UNCC reported that a new software application was being used for the archiving of records, although the Board of Auditors has not yet validated this.

3. Recommendations considered by the United Nations Compensation Commission to be under implementation, but not validated by the Board

32. **In paragraph 113**, the Board recommended that the United Nations Secretariat, with a view to ensuring continuity and improvements in accountability, establish mechanisms to prepare for a full-fledged, appropriate oversight infrastructure of compensation payments after the termination of UNCC in its present structure, including in regard to accountability by recipient countries for payments made to and by them after the termination of UNCC.

33. **Comment of the Administration.** Following the UNCC secretariat's 11 November 2004 information note concerning the phasing out of UNCC, and at the request of the Governing Council, the UNCC secretariat prepared a proposed budget for a small secretariat (30 to 35 persons) for the biennium 2006-2007. The Committee on Administrative Matters considered and approved this proposed budget at its 18th meeting on 28 June 2005. The issue of what arrangements should be made after 2006 remains on the agenda of the Governing Council. The UNCC secretariat therefore considers that the recommendation has been implemented, with ongoing effect. Its secretariat also noted that more revenue has been going into the Compensation Fund than previously anticipated, largely as a result of the price of oil. The secretariat has therefore reworked its projections and estimated that it would be possible to pay all individual claims in full in 2006.

34. Concerning internal audit coverage during the biennium 2006-2007, no arrangements had been made for 2007, while continuing audit coverage, particularly of the claims payment process, may still be required at least until the end of 2007.

35. **In paragraph 146**, the Board recommended that the Governing Council unrestrictedly provide appropriate internal audit resources and consider audit findings, particularly in regard to its processes, in the interest of accountability and transparency.

36. **Comment of the Administration.** The UNCC secretariat advised the Board that the Governing Council had approved a second audit post effective 1 January 2005 and noted that the Office of Internal Oversight Services had filled that post as at 6 June 2005. The secretariat further informed the Board that UNCC intended to continue to abide by the legal opinion dated 27 November 2002 prepared by the Office of Legal Affairs with respect to the proper scope of the Office of Internal Oversight Services audit of UNCC. Also, at its 18th meeting, on 28 June 2005, the Committee on Administrative Matters approved the inclusion of two audit posts at the P-4 level for 2006 in the budget for the 2006-2007 biennium, at a cost of $382,200, as per UNCC standard staff costs, and encouraged the Executive Secretary to continue his consultations with the Office of Internal Oversight Services, in the expectation that the Executive Secretary and the Office of Internal Oversight Services would arrive at a mutually agreeable workplan for the Office for

2006, pursuant to the 2003 memorandum of understanding or an extension of that memorandum of understanding as necessary.

37. The Office of Internal Oversight Services pointed out that a second post for a UNCC auditor had been approved by the United Nations Controller in July 2000, as disclosed in the Board's 2004 report, but that the UNCC Governing Council did not agree to fill the post until January 2005, about four and a half years after the request. In the meantime, the post approved for the Office of Internal Oversight Services was used for a legal officer's position. The Office had intended to fill the post when it became vacant in January 2005, but the candidate selected withdrew. The Office then temporarily filled the post with a staff member from Headquarters. The post was subsequently filled in July 2005. The Office of Internal Oversight Services expressed its concern that UNCC still maintains the applicability of the Office of Legal Affairs legal opinion, despite the fact that the General Assembly in its resolution 59/271 stated that the Office of Internal Oversight Services should audit all aspects of the claims process.

38. Concerning the observations and recommendations of the Office of Internal Oversight Services in connection with its audit in 2002 of F3 claims, in part two of the third instalment, UNCC indicated that at the Governing Council's June 2005 session, the two computational errors discovered by the Office of Internal Oversight Services and a third computational error discovered by the secretariat in the course of reviewing the preliminary audit reports of the Office were corrected, pursuant to article 41 of the Provisional Rules for Claims Procedure. The Governing Council also took note of the final audit report of the Office of Internal Oversight Services and did not direct the secretariat to take any further action with respect thereto. Accordingly, the UNCC secretariat considers this matter to be closed.

39. Concerning the issue of duplicate claims, the secretariat indicated that it was aware of the risk of duplicate claims from the outset of claims processing and took steps to identify and eliminate such claims during the course of claims processing. The category A Panel of Commissioners addressed the subject of duplicate claims in its first report (S/AC.26/1994/2), dated 15 September 1994. As a result of the computer programme and manual follow-up, 37,850 category A claims were identified as confirmed duplicate claims during the course of claims processing. The category A Panel of Commissioners recognized that there were inherent limitations on the ability of the computer software technology to identify potential duplicate claims, and that submitting Governments also had an important role to play.

40. In response, the UNCC secretariat received a number of requests from submitting Governments to correct claims identified by the latter as duplicates, but which had not been identified by the UNCC computer program, as the basis of which the duplicates were identified fell outside the parameters of the program. By mid-2005, approximately 7,000 additional category A claims had been corrected as a result of requests from Governments. In total, over 45,000 duplicate claims in category A claims had been corrected through the mechanisms designed by the category A Panel.

41. A similar exercise was conducted with respect to category C for the purpose of identifying duplicate claims during claims processing. As a result, approximately 5,000 duplicate claims were identified and eliminated during the course of claims processing.

42. The UNCC secretariat indicated in September 2005 that it was at that time conducting an extensive exercise through electronic means to identify duplicate awards in categories A and C and to identify claims that should have received the lower amount, in category A, under Governing Council decision 21. That exercise was ongoing. The secretariat has also used these electronic searches for duplicate claims in the Palestinian late claims programme, the Bedouin programme and the category A and C late claims programme.

43. The UNCC secretariat also commented that in February 2005 it had requested the Office of Internal Oversight Services to provide in-house forensic accounting expertise in connection with the examination of potential duplicate awards of claims in categories A and C, which had been commenced by the secretariat. In June 2005 the Office informed the secretariat that it did not have such expertise in-house and in lieu thereof proposed engaging external expert consultants. This matter was considered by the Governing Council at its June 2005 session and was referred to the Council's informal oversight committee for further discussion, including the question of whether the Office of Internal Oversight Services should be involved in any such examination in the light of its self-acknowledged lack of the necessary expertise in-house.

44. The Office of Internal Oversight Services noted that it was the role of its Investigations Division to conduct fraud investigations. In this regard, its Internal Audit Division I and the Investigations Division conducted a joint assessment of the category A and C duplicate payment issue. In the view of the Investigations Division, additional work needed to be done to determine if there was fraud. In order to conduct further reviews of the category A and C duplicate claims, the Office of Internal Oversight Services requested that UNCC provide funding for the Office to engage a consultant with information technology and fraud investigation capabilities. The two UNCC auditors did not possess this particular expertise, and the Office of Internal Oversight Services could not provide these resources from its regular budget. The Office noted that it appeared that the Governing Council had decided that UNCC would directly recruit a consultant to perform this work. The UNCC arranged for the engagement of external forensic accounting expertise in September 2005, following a competitive bidding process, to assess the reasonableness and adequacy of the "fuzzy name-matching" conducted by the secretariat to date and to recommend additional measures, if any, that could usefully and reasonably be employed and that would yield a statistically significant percentage increase in the number of potential duplicate awards. The consultant was expected to prepare a report by the end of October 2005. Both the expert report and the UNCC secretariat's analysis would be presented to the Council for its consideration and action.

45. **The Board is glad that UNCC was undertaking more comprehensive action in 2005, but notes that the UNCC secretariat had identified the risks of duplicate claims in 1994 and that the Office of Internal Oversight Services had drawn the attention of UNCC to such risks in 1997 and 1999, while in its 1998 report to the General Assembly the Board of Auditors had likewise commented on duplicate claims.**

46. **In paragraph 203**, the Board recommended that, in the context of its phasing out, UNCC pay special attention to its fraud prevention strategy.

47. **Comment of the Administration.** The UNCC secretariat reported no cases of internal fraud or presumptive fraud as at 31 December 2004 in a letter to the United Nations Controller dated 15 January 2005. The UNCC secretariat stated that it had taken a number of steps to try to prevent fraud or presumptive fraud. For example, cross-checks and electronic and manual matching have been conducted in order to identify duplicate or overlapping or competing claims as mentioned above. The UNCC secretariat anticipated that the expert report of the forensic accounting consultant and the secretariat's analysis would assist the Governing Council in its consideration of further appropriate action relating to the prevention of fraud.

48. The UNCC secretariat commented that it has also assisted the D2 Panel of Commissioners in its review of the category D Palestinian late claims, a claims population with a significant risk of overstated claims. The extensive measures taken by the secretariat at the direction of the D2 Panel are detailed in the report and recommendations made by the D2 Panel of Commissioners concerning Palestinian individual claims for damages above $100,000 (category D claims), which was approved by the Governing Council at its June 2005 session. The UNCC secretariat notes that all claims in categories D, E and F were individually reviewed and the supporting evidence examined. Irregularities in the evidence were brought to the attention of the relevant Panel of Commissioners for whatever action it considered appropriate. The claims in categories A, B and C were humanitarian in nature and were not individually reviewed, but rather mass-processed on an expedited basis. However, the amount of compensation for successful claimants in categories A and B was fixed by the Governing Council at a relatively low level, while the electronic compensation formulae developed by the category C Panel of Commissioners took into account the possibility of fraud and resulted in the Panel recommending modest amounts of compensation. The UNCC secretariat therefore considers that it has implemented this recommendation to the fullest extent possible, consistent with the mandate of the UNCC.

49. The Office of Internal Oversight Services underlined that one of its auditors had provided advisory services to UNCC during a field visit to Kuwait to investigate category D claim payments. The Office found that claimants had abused the system by filing false claims with the assistance of accounting companies in Kuwait. The Office of Internal Oversight Services report on the advisory services stated that, as the Office had informed UNCC in the past, there was no procedure within UNCC to take action against claimants filing false claims. The Office of Internal Oversight Services was of the view that UNCC had also not taken action to investigate cases of presumptive fraud in all claim categories and had not established an investigation unit to do this.

50. **The Board notes the ongoing initiatives, but, as mentioned earlier, recalls that UNCC began only in 2005 to consider systematically acting on duplicate payments through electronic means, while such a risk had been underlined by UNCC itself and by internal and external audit findings since 1997.**

4. Recommendations not implemented

51. **In paragraph 72**, the Board recommended that UNCC compile a single document detailing the criteria and methodologies it has applied for archiving purposes.

52. **Comment of the Administration.** The UNCC secretariat noted that preliminary enquiries from administrators of other claims-resolution entities have, in all cases, focused on specific methodologies, rather than a global picture. The secretariat anticipates that the future utility of the methodologies to those seeking guidance would depend on the accessibility of such information, which would be made more difficult if all information were merged into one extremely lengthy document. The UNCC secretariat considered the Board's recommendation as actually counter-productive, and saw no purpose in its implementation. The Board's recommendation was brought to the attention of the Governing Council at its June 2005 session, and the Council concurred with the secretariat's view on the utility of such a document. The secretariat is of the view that all such records would be clearly defined, indexed and labelled, and would be readily retrievable using the computer application developed by UNCC. **The Board plans to review this application in its next audit.**

53. **In paragraph 112**, the Board recommended that UNCC reconsider its decision not to request Member States to include in every audit certificate comprehensive and up-to-date information on their national compensation payment system.

54. **Comment of the Administration.** The UNCC secretariat indicated that the Governing Council had considered the recommendation in June 2005 and declined to act upon it. The UNCC secretariat therefore considered the matter to be closed.

55. UNCC decided to rely on Member States for the payment phase of awards. It is the Board's view that in order to ensure that payments are eventually made to claimants, Member States should include all relevant information related to those payments. Such a practice would be in line with Governing Council's decision 18, stating that "Prior to or immediately following the receipt of the first payment from the Compensation Commission each Government shall provide information in writing through the Executive Secretary to the Governing Council on the arrangements that it has made for the distribution of funds to claimants, and subsequently promptly report any changes to those arrangements." **The Board remains concerned that, unlike other United Nations agencies, UNCC relied on incomplete documentation of the payment procedures of its partners.**

56. **In paragraph 126**, the Board recommended that UNCC and the Office of Internal Oversight Services conduct a joint risk assessment so that a proper audit plan could be developed.

57. **Comment of the Administration.** In response, the secretariat outlined the steps it had taken to attempt to undertake such an assessment and ascribed the lack thereof to the repeated failure of the Office of Internal Oversight Services to make the necessary administrative arrangements. These were described in a document entitled "OIOS risk assessment chronology" which the secretariat provided to the Board. The secretariat also described the more recent steps it had taken to attempt to conduct a joint lessons-learned exercise with the Office of Internal Oversight Services in lieu of a joint risk assessment; given the advanced stage of the winding down of UNCC, the secretariat is of the view that this would be a more useful exercise than a joint risk assessment. In the fall of 2004, the secretariat proposed such a joint review to the Office of Internal Oversight Services. The proposal was accepted, in principle, by the Office, which submitted proposed terms of reference to the secretariat for comments in November 2004. In a memorandum to the Office

of Internal Oversight Services dated 19 November 2004, the secretariat transmitted its comments on the terms of reference, while confirming its readiness to proceed.

58. UNCC stated that although the proposed review was again discussed with the Office of Internal Oversight Services at a meeting in Geneva on 22 December 2004, nothing further had been proposed by the Office since that time, apart from a recommendation in its audit report on the fifth instalment of F4 claims to develop guidelines for filings on environmental claims as part of a lessons-learned exercise. The secretariat remains ready to participate with the Office of Internal Oversight Services in a joint lessons-learned exercise if the Office is prepared to do the same. The secretariat therefore considers that it has attempted to implement the recommendation and cannot do more without the cooperation of the Office of Internal Oversight Services.

59. The Office of Internal Oversight Services was of the view that UNCC was responsible for conducting the procurement exercise and entering into an agreement with the consultant selected. However, the Office noted that there seemed to be some contractual problems, concerning the legal language of the general conditions of the contract. Therefore the contract was never finalized by UNCC and the United Nations Office at Geneva, despite efforts by the Office of Internal Oversight Services to resolve the contract in line with the same procedures used when the same consultant had carried out a previous risk assessment for it.

60. The Office of Internal Oversight Services considered that it had made every effort to assist UNCC and the United Nations Office at Geneva to finalize the contract with the consultant, but was of the view that the failure of the latter two to come to an agreement on certain aspects of the conditions of the contract prevented it from being finalized on a timely basis.

61. UNCC stated that it strictly complied with the United Nations procurement procedures.

62. The Office of Internal Oversight Services further informed the Board that after 22 December 2004, preliminary discussions had covered the possibility of conducting a joint lessons-learned exercise with UNCC. They had held discussions in Geneva aimed at coming up with an acceptable formula for conducting this exercise. However, the requirements of UNCC for the exercise seemed to be different from those of the Office of Internal Oversight Services. In particular, UNCC did not want issues discussed in previous audits to be included in the exercise. The Office of Internal Oversight Services reported to the Board that it felt that this would infringe on its independence.

63. As a result of the failure of these two initiatives, the Office of Internal Oversight Services decided to prepare a report to the General Assembly on its various findings and conclusions arising from the audits it has conducted since it began auditing UNCC. It anticipated that this report would be presented to the Assembly at its sixtieth session.

64. **The Board is concerned that UNCC and the Office of Internal Oversight Services had not implemented the above recommendation, although the latter was conducting internal audits according to its annual plan, and in line with paragraph 11 of General Assembly resolution 59/271.**

III. Acknowledgement

65. The Board of Auditors wishes to express its appreciation for the cooperation and assistance extended by the United Nations Compensation Commission.

(*Signed*) Philippe **Séguin**
First President of the Court of Accounts of France
(Lead Auditor)

(*Signed*) Guillermo N. **Carague**
Chairman, Commission on Audit, Republic of the Philippines
Chairman, United Nations Board of Auditors

(*Signed*) Shauket A. **Fakie**
Auditor-General of the Republic of South Africa

7 December 2005

Note: Mr. Séguin has signed the English and French versions of the report of the Board of Auditors; the other members of the Board have signed only the English version.

Notes

[1] See S/2004/789.

[2] The last such report was presented in *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5* and corrigendum (A/57/5 (vol. I) and Corr.1), paras. 36-79.

[3] See also the report of the Board of Auditors on the implementation of its recommendations relating to the biennium 2000-2001 (A/58/114), para. 15 (b)-(e).

United Nations S/2005/841

Security Council

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Note by the President of the Security Council

1. Following consultations among the members of the Security Council, it has been agreed that the mandate of the Informal Working Group on General Issues of Sanctions established pursuant to paragraph 3 of the note by the President of the Security Council dated 17 April 2000 (S/2000/319) shall be extended until 31 December 2006. The task of the Working Group is to develop general recommendations on how to improve the effectiveness of United Nations sanctions. Within this framework the Working Group will now also address issues such as those listed below, including, as appropriate, and with the consensus of its members, through open and informal dialogue with interested Member States, as well as international, regional, intergovernmental and other relevant organizations:

(a) Improving cooperation between sanctions committees, monitoring bodies and regional organizations, and assessing the possibility of reporting by regional organizations as an alternative to the reporting by individual States;

(b) Duration and lifting of sanctions;

(c) Assessment of the unintended impact of sanctions and ways to assist affected untargeted States;

(d) Improving national implementation of sanctions;

(e) Enforcement of targeted sanctions, especially such sanctions as assets freezes or travel bans targeting individuals or entities;

(f) Delisting procedures in relation to the implementation of targeted sanctions and the legal consequences of listing and delisting;

(g) Secondary sanctions against States violating sanctions;

(h) Improving archives and databases in the Secretariat, including the Roster of Experts.

2. The Working Group should benefit from all available sanctions expertise, including by being briefed, on a case-by-case basis, by appropriate experts, and requests the Secretariat to make the arrangements, within existing resources, for this purpose.

3. The Security Council requests the Secretariat to provide the Working Group with interpretation in the six official languages of the United Nations.

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